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| 21 September 2020  FAO Kristina Smith  Senior Planner  Planning Department  London Borough of Camden  5 Pancras Square, Kings Cross,  London N1C 4AG |

Dear Kristina Smith,

**6 Chad’s Street, Kings Cross, London WC1H 8BD**

**Submission of a Certificate of Lawful Existing Use or Development PP-08964053v1**

We submit the attached Certificate of Proposed Lawful Use in respect of the existing hotel use (Class C1) at 6 Chad’s Street, Kings Cross, London WC1H 8BD.

As part of this application please find enclosed the following documents:

* Application form;
* Statutory Declaration

**Please note that any information containing personal details should remain confidential and not be made available for public view. We would therefore be grateful for assurance that such documentation will not be placed online.**

This application has been submitted via the Planning Portal under application reference **PP-08964053v1**

The respective planning application fee of £462 (+ £25 Planning Portal Fee), made payable to the London Borough of Camden has been paid.

**Site and Surroundings**

The application site is owned by Splendid Hospitality Group and operated by Comfort Inn as a hotel (Use Class C1) at No’s 2 – 7 (inclusive) St Chad’s Street, Kings Cross. The buildings are listed, Grade II. The application site is also located within Kings Cross Conservation Area.

It is understood that the lawful use of No’s 2 to 5 (inclusive) is for hotel purposes (Use Class C1), the lawful use of No. 6 is as three self-contained flats (Use Class C3) and the lawful use of No, 7 St Chad’s Street as hotel use (Use Class C1).

This application seeks to confirm the use of No. 6 St Chad’s Street as a hotel use, Class C1 of The Town and Country Planning Use Classes Order 1987 (as amended).

**Lawfulness of the Existing Use**

Under the Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991, development becomes immune from enforcement action following a set number of years, and as such, incumbent uses can be the ‘de facto’ lawful use, even if planning permission was not originally granted.

The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The requirement for hotel use is a continuous period of 10 years or more

The Planning Practice Guidance (PPG) was published in 2018 and is regularly updated to reflect the most up to date guidance. The Lawful Development Certificate section of the PPG states that it is possible to seek legal and formal confirmation from a Local Planning Authority as to the existing lawful use of a premises through the submission of a Lawful Development Certificate.

The PPG also states the following regarding the submission of Certificate applications and the assessment of the lawful use:

*The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.*

*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. (PPG Ref: 17c-006-20140306)*

We consider that the information and evidence submitted to the Local Planning Authority suitably justifies that No. 6 St Chad’s Street has been in use as a hotel for a continuous period of 10 years or more. Therefore based on the evidence submitted and the balance of probability test set out in the PPG, a Certificate of Lawful (Existing) Use should be granted for No. 6 St Chad’s Street, confirming the lawful use of the site as Class C1, hotel.

Yours sincerely,

**Emma McHugh**