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Planning Statement

Application for Lawful Certificate

Flat 7, 3 Cambridge Road BN11 1XD

September 2024

CONTENTS

INTRODUCTION 3

SITE DESCRIPTION 3

RELEVANT PLANNING HISTORY 5

SUMMARY OF EVIDENCE 5

Affidavit 5

Occupancy February 2018 – September 2023 5

MISCELLANEOUS EVIDENCE 6

Period of refurbishment 6

Current tenants (Nationwide Accommodation Services) 6

Existing Floor Plan of the Loft Flat (Flat 7) 6

CONCLUSION 6

Introduction

This Planning Statement is written on behalf of Weymouth Trading Limited in support of their Certificate of Lawfulness application for the use of the loft space at 3 Cambridge Road as a self-contained flat.

The application follows a planning enforcement enquiry letter (dated 23rd April 2024) from Adur & Worthing Councils. The letter refers to the council's records which show that the property previously consisted of 6 flats and that the loft has been converted into a flat without the benefit of planning permission.

The evidence presented with this application demonstrates that the use of the loft space (known as Flat 7) as a self-contained flat began in February 2018 and is therefore immune from enforcement action as it was in existence as such for 4 years by February 2022.

Therefore, the flat qualifies for a Certificate of Lawfulness (Existing) under the 4-year rule as it had achieved immunity from enforcement prior to the 25th April 2024 cut-off date introduced by Statutory Instrument 2024 No.452 (C.28) which amended the time limits for enforcement to abolish the 4-year rule but also included a 'transitional provision' where the amendments do not apply where—

(a) in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (b) (time limits), the operations were substantially completed, or

(b) in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred, before the day on which that section comes into force – this date being 25th April 2024.

Site Description

The site comprises a two-storey semi-detached property on the south side of Cambridge Road in the local authority area of Adur & Worthin Councils.

The building is currently subdivided into 7 self-contained flats; 6 of the flats have been in existence since at least 2013.



Figure 1: Streetview image of 3 Cambridge Road. Source: Google Map.

The existing layout of the building, as provided by Allsop property consultancy firm that advertised the property, is shown in Figures 2 and 3. The ground floor consists of two studio flats and a 1-bedroom flat, while the first floor contains three studio flats. The loft space, which is the subject of this application, houses a 1-bedroom flat. Figure 4 shows an accurately measured floor layout plan of the subject site (Flat 7) as it currently exists.

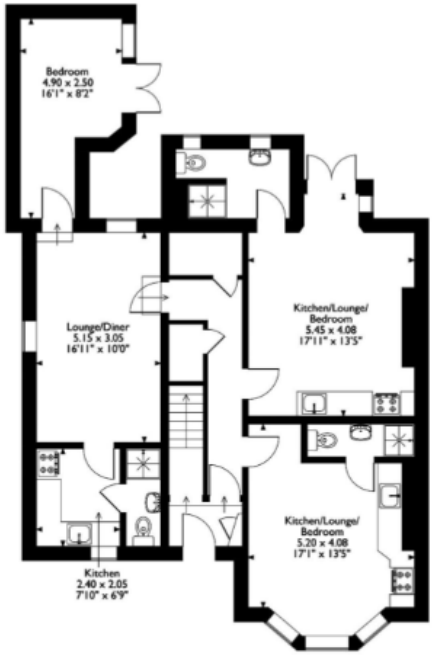

Figure 2 Image showing the existing ground floor layout. Source: Lot Overview (allsop.co.uk)



Figure 3: Image showing the existing first & loft floor layouts. Source: Lot Overview (allsop.co.uk)

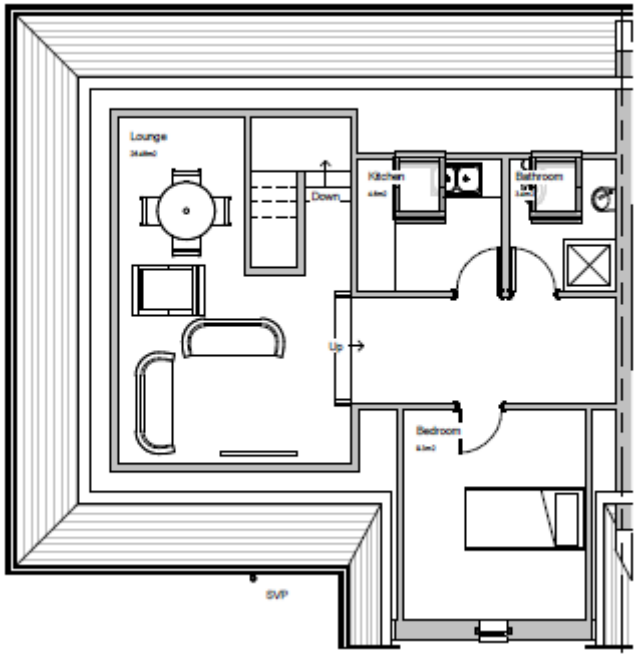

Figure 4: Floor Plan of the existing Flat 7 (subject site).

Relevant Planning History

A recent search of the Adur & Worthing online planning records returned no results for this site.

Summary of evidence

The applicant (Weymouth Trading) acquired the building on 14th March 2022 when it was already in use as 7 flats due to the loft space having been converted by the previous owner in 2018 (see below).

The evidence submitted with this application and summarised below proves that the flat in the loft space (Flat 7) achieved immunity from enforcement action.

Affidavit

The roof space was converted to a self-contained flat by the previous owner of the building, Mr. Ian Boyd. Mr Boyd has provided an affidavit confirming that he began renting the loft space as a self-contained flat from 4th February 2018 and that the initial tenant (Mr Paul Hughes) was still renting the flat when Mr Boyd sold the property on 14th March 2022.

The information in this affidavit is very strong evidence as it shows that the flat was in use for more than 4 years and that as the same tenant was in-situ during this time, the flat was also in continuous use for more than 4 years.

Occupancy February 2018 – September 2023

A single tenant, Mr Paul Hughes, occupied the flat for five and a half years and therefore the evidence of this tenant's occupancy is sufficient to demonstrate that the flat was in continuous use for more than 4 years.

A tenancy agreement for Flat 7 (dated 4th February 2018) for the initial tenant, Mr Paul Hughes, is submitted with this application.

A copy of an email from Paul Hughes to the then landlord Mr Ian Boyd, dated 24th November 2021, is provided and this shows Mr Hughes was still occupying the flat at this time. The email pertains to the fact that Mr Hughes did not pay a deposit when he commenced tenancy due to the flat being unfurnished.

A tenancy agreement for Flat 7 (dated 1st May 2022 for 12 months) for Mr Paul Hughes, is submitted with this application.

A copy of a letter from the new owner (and current applicant) Weymouth Trading Limited (dated 12th February 2022) written to Paul Hughes to confirm that his existing tenancy arrangement will continue.

A copy of a Court Order (Weymouth Trading seeking possession of the property from Paul Hughes) dated 18th August 2023. Point 2 of the 'Recital' states that 'Mr Hughes confirmed he would be moving out'.

Paul Hughes moved out in September 2023.

In summary, the evidence relating to Paul Hughes' occupancy of the flat from February 2018 to late 2023 shows that the use as a self-contained flat commenced in 2018 and was in continuous use for more than five years.

Miscellaneous evidence

Other evidence pertaining to the existence of the self-contained flat (Flat 7) that is submitted with this is application is as follows:

A copy of a 2018 EPC for Flat 7 (Date of assessment: Feb 2018)

A copy of a 2018 Electrical Safety Report for Flat 7 (Date of inspection: March 2018)

Period of refurbishment

Following the departure of the initial tenant there was a short period of refurbishment between 18th September 2023 and 6th October 2023.

Two invoices from the contractor, specifically detailing works carried out on Flat 7, have been submitted as supporting evidence. Additionally, photographs documenting the refurbishment of the flat, completed between 18-09-2023 and 06-10-2023, were also provided.

Current tenants (Nationwide Accommodation Services)

The current occupancy of Flat 7 is covered by an agreement with Nationwide Accommodation Services dated 23rd October 2023 and runs for 12 months (until 22nd October 2024).

Existing Floor Plan of the Loft Flat (Flat 7)

The floor plan layout of the existing flat has been submitted as part of the supporting evidence for this application.

Conclusion

The evidence submitted with this application is sufficient to demonstrate that, on the balance of probability, the use of the loft space as a self-contained flat (Flat 7) is immune from enforcement action as it was created more than 4 years ago, has been in continuous use and, qualifies for a Certificate of Lawfulness (Existing) under the 4-year rule as it had achieved immunity from enforcement prior to the 25th April 2024 cut-off date introduced by Statutory Instrument 2024 No.452 (C.28).