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Our reference: RE/CSL305

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Haringey Council London Borough
Planning, Regeneration and Economy,
Level 6
River Park House
225 High Road
Wood Green
London
N22 8HQ

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191(1)(a)

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR DEVELOPMENT

27a ROSEBERY GARDENS, CROUCH END, LONDON, N8 8SH

Introduction

CarneySweeney has been instructed by Karen Lipworth to submit an application for a Certificate of Lawfulness (CLEUD) to establish that the development of a garden room at 27a Rosebery Gardens, Crouch End, London, N8 8SH is classed as lawful development under Section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).

This application is made pursuant to Section 191(1)(a). This legislation states that if any person wishes to ascertain whether any existing use of buildings or other land is lawful, they may make an application to the Local Planning Authority for a Certificate of Lawfulness for the purpose, specifying the land and describing the use, operations or other matter. If the Local Planning Authority is then satisfied with the information provided by the applicant to demonstrate that the use, operations or other matters in the application are as described then it shall issue a 'certificate' to that effect.

This document sets out in further detail the grounds on which this Certificate is sought and provides evidence to demonstrate that the works undertaken at the Site in question are lawful.

The application is submitted via the Planning Portal, reference PP-12476220, and the application fee of £462 being the correct fee, is paid directly by the applicant.



Site Location

The site comprises a garden room, ancillary to the residential use of the property, and is located within the rear garden at 27a Rosebery Gardens, which is a residential street located in the Crouch End area of North London. 27a is a residential flat located at ground floor level, within a semi-detached building comprising residential units. The site lies on the northern side of Rosebery Gardens, surrounded by residential uses to all sides. The garden room is located to the north of 27a, at its boundary with the rear garden of the adjacent property to the north, on Elmfield Avenue. The immediate surrounding area is residential in nature.

The Existing Development

The garden room building as submitted, providing space for ancillary residential purposes, has been built and completed since July 2019. The lawful use of the site falls within an ancillary use to Use Class C3 (Dwellinghouses) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, 2020 S.I. No 757 Schedule 1, Part C.

Evidence

In support of this certificate of lawful use and to assist the Council in their determination of this certificate, the applicant has provided the following evidence:

- Site Location Plan (drawing ref. AL[10]001 Rev. P0)
- Existing Ground Floor Plan (drawing ref. AL[10]005 Rev. P0)
- Existing Garden Room Elevations (drawing ref. AL[10]021 Rev. P0)
- Statutory Declaration Affidavits from individuals as follows:
 - Jeremy William Bearder
 - Jane Denise Rafter
 - Raymond Wai
 - Helen Kamminga
 - Axel Keating
 - Jane Siobhan Brehony
- Invoices as follows:
 - Belt and Braces Construction Limited (dated 12 August 2019)
 - Peter Sargent Architect (dated 31 July 2018)
 - Ikea (dated 30 June 2019)
 - Lordship Windows Ltd (dated 29 April 2019)
 - PD Plumbing Supplies (dated 6 May 2019)
 - Cricklewood Timber & Building Supplies (dated 8 March 2019)
 - Amazon.co.uk (dated 6 May 2019)
 - Bath & Homes Limited (dated 2 May 2019)



- Perfect Sanitary Ware Ltd (dated 2 May 2019)
- Amazon.co.uk (dated 2 May 2019) – 2 No. invoices
- Tiles Direct (dated 19 February 2019)
- Topps Tiles (dated 11 September 2018)
- Photographs (dated 20 March 2019)
- CIL Form 1

Drawing numbers AL[10]001 (Site Location Plan) and AL[10]005 (Existing Ground Floor Plan) identify the site of this application and drawing number AL[10]021 (Existing Garden Room Elevations) demonstrates its external appearance to all sides.

The submitted evidence demonstrates that the construction of the garden room building was completed in July 2019. This comprises six Statutory Declarations which states that the structure was complete in July 2019 and that no alteration to its use or appearance has taken place since that time. Invoices for construction, materials and for various items associated with the internal fit out of the garden room building, alongside the two submitted photographs, demonstrate that the works took place during Spring and early Summer of 2019. The final invoice supplied is from Belt and Braces Construction Limited, dated 12 August 2019, who constructed the building. The invoice refers to the duration of the construction works, March - August 2019. Please that this includes a small period of snagging during August, but that the works were substantially completed in July 2019.

Relevant Legislation and Policy Guidance

Section 171B(1) of the Town and Country Planning Act 1990 (as amended) states that:

“Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.”

Section 191(1) of the Town and Country Planning Act 1990 (as amended) entitles any person wishing to ascertain whether:

- a. Any existing use of buildings or other land is lawful;
- b. Any operations which have been carried out in, on, over or under land are lawful; or
- c. Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful

to make an application for that purpose to the local planning authority, which specifies the land and describes the use, operation or other matter.



Ancillary uses are generally defined as the use of land or buildings that is directly related to, subservient to and supports the primary use of the property – an integral part of the main use contributing to its functionality.

National Planning Policy Guidance

The Lawful Development section of the NPPG identifies that an application should include a precise description of what is being applied for (not simply the use class) and the land to which the application relates. A CLEUD must include a description of the use, operations or matter for which it is granted regardless of whether the matters fall within a specific use class and where it is within a use class of the 1987 Order, a Certificate must also specify the relevant the use class.

Paragraph 006 Reference ID: 17c-006-20140306 of the Planning Practice Guidance states that:

“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 counterevidence. 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.”

Paragraph 009 Reference ID: 17c-009-20140306:

“A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.”

Summary of Lawfulness and Conclusions

The evidence submitted within this application demonstrates that the garden room building as submitted has been lawfully constructed, serving an ancillary lawful residential purpose, for more than 4 years, since July 2019,

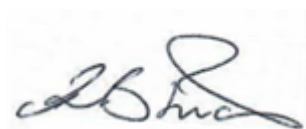
The evidence submitted comprises a number of invoices demonstrating the dates during which items and services were purchased towards construction of the garden room building, and Statutory Declarations from a number of individuals stating that it was completed in July 2019, with no amendments since that time.

It is therefore respectfully requested that a Certificate of Lawfulness for an Existing Use or Development is granted under Section 191 of the Town and Country Planning Act 1990 (as amended).



We look forward to receiving your registration and validation of this submission at your earliest convenience. In the meantime, should you have any queries, please do not hesitate to contact me direct.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'R Evans', is centered within a light gray rectangular box.

Richard Evans
Director
CarneySweeney

Enc.

