

PLANNING STATEMENT

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Application for Lawful Development Certificate (Existing Use)
97A & 99A Houghton Road, Thurnscoe, S63 0JX

Introduction

This statement is submitted in support of an application under Section 191 of the Town and Country Planning Act 1990 (as amended) for a Lawful Development Certificate in respect of:

The continued use of the first floor premises at 97A & 99A Houghton Road as a self-contained dwellinghouse (Use Class C3).

The application seeks confirmation that the residential use of the first floor is lawful by virtue of the passage of time.

The Site

The property comprises a two-storey building fronting Houghton Road within the urban area of Thurnscoe.

The application relates solely to:

- The first floor premises
- Together with the ground floor entrance hall and stairway providing independent access

The first floor is held under a long lease and is registered under separate title, confirming its status as a distinct planning unit.

Planning History and Use Background

Historically, the building operated as solicitors' offices (Peace Revitt). The lawful planning use at that time would have fallen within former Use Class A2 (Financial and Professional Services), now subsumed within Class E.

At some point more than ten years ago, the first floor was converted and brought into use as a self-contained residential unit.

The property has been continuously occupied as a dwelling for a period exceeding ten years prior to the date of this application.

There has been:

- No interruption to residential occupation

- No enforcement action served by the Local Planning Authority
- No planning permission granted for reversion to commercial use

The Existing Residential Unit

The first floor comprises:

- Living / dining area
- Kitchen
- Two bedrooms
- Bathroom

The layout demonstrates a fully self-contained dwellinghouse with independent access from street level.

The unit functions entirely independently from any ground floor use.

Legal and Policy Context

Section 191 – Lawful Development Certificates

Under Section 191(2) of the Town and Country Planning Act 1990:

“Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.”

However, for other material changes of use, the relevant immunity period is:

Ten years (Section 171B(3)).

In this case, even if the change from commercial to residential constituted a material change of use, the residential occupation has continued for a period exceeding ten years.

Accordingly, the use is now immune from enforcement action.

Burden of Proof

The test for granting a Lawful Development Certificate is:

“On the balance of probability.”

The applicant is required to demonstrate that continuous residential use has occurred for a period exceeding ten years prior to the date of application.

Planning Unit

The first floor premises form a separate planning unit by virtue of:

- Separate access
- Functional independence
- Long leasehold title
- Physical separation from ground floor

The residential use is therefore capable of assessment independently from the remainder of the building.

Immunity from Enforcement

The evidence submitted demonstrates:

- Residential occupation commenced more than ten years ago
- The use has been continuous
- No enforcement notice has been served
- No breach of condition is engaged

As such, any breach of planning control is now immune from enforcement under Section 171B of the Act.

The Local Planning Authority is therefore required to issue a Lawful Development Certificate confirming the use as lawful.

Conclusion

The first floor at 97A & 99A Houghton Road has operated as a self-contained dwellinghouse (Use Class C3) continuously for a period exceeding ten years.

On the balance of probability, the residential use is lawful by virtue of the passage of time.

The Local Planning Authority is respectfully requested to grant a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990.