

Our Ref: 24020_LDC/SM

Date: 23 July 2024

Development Management
North Hertfordshire District Council
Gernon Road
Letchworth Garden City
SG6 3JF

Via Planning Portal. Ref. PP-13266178



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Dear Sir / Madam,

Application of Certificate of Lawful Existing Use or Development at The Cottage, 73 Park Lane, Knebworth, SG3 6PP.

On behalf of our client, Mr Gary Withers ("the applicant"), we are pleased to enclose an application seeking a Certificate of Lawful Existing Use or Development (CLEUD) under Section 191 (1)(b) of the Town and Country Planning Act 1990 (as amended). The application seeks to confirm that the existing outbuilding 'The Cottage' has been used as a self-contained residential unit for a period of ten or more years.

In addition to this covering letter, the information and evidence enclosed to support the CLUED application is as follows:

Ref.	Content
Doc 1	Cover Letter prepared by Barker Parry
Doc 2	Existing Plans
Doc 3	Statutory Declaration from Gary Withers
Doc 4	Building Control Completion Certificate
Doc 5	Domestic Electrical Installation Certificate
Doc 6	Energy Performance Certificate
Doc 7	List of Tenancies
Doc 8	Letter from Estate Agent November 2014
Doc 9	Letter from Estate Agent October 2015
Doc 10	Rent Receipts July 2014-April 2015

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Doc 11	Rent Receipts April 2015-April 2016
Doc 12	Rent Receipts May 2016-March 2019
Doc 13	Rent Receipts April 2019-August 2020
Doc 14	Tenancy Agreement August 2020-August 2021
Doc 15	Tenancy Agreement August 2021-August 2022
Doc 16	Rent Receipts August 2020-April 2022
Doc 17	Statutory Declaration from Ms Tuffrey
Doc 18	Bank Statements October 2022-May 2023
Doc 19	Tenancy Agreement June 2023-June 2024
Doc 20	Statement of Account June 2023-June 2024
Doc 21	Letter from Estate Agent March 2024
Doc 22	Email from Council Tax Department April 2024
Doc 23	Statutory Declaration from Estate Agent (Mather Estates)
Doc 24	Statutory Declaration from Estate Agent (Houseman Properties)
Doc 25	Tenancy Agreement June 2024 – June 2025
Doc 26	Rent Receipt June – August 2024

This letter sets out how the above information and documents demonstrate that 'The Cottage' has been in use as a self-contained residential unit for a period of ten or more years prior to the submission of the application.

Background

Section 191 of the Town and Country Planning Act 1990 allows for an application to be made to the Local Planning Authority for a Certificate of Lawfulness of Existing Use or Development (CLEUD) for the purposes if any person wishes 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

This application seeks to demonstrate that, on the balance of probabilities; the use of 'The Cottage' as a self-contained residential unit has been in place for at least ten years. Within their Statutory Declaration (Doc 3), the applicant confirms the use of 'The Cottage' as a self-contained residential unit started on 18 July 2014.

Summary of Evidence

The evidence included within this application clearly indicates that 'The Cottage' has been in use as a self-contained dwelling for a period of ten years prior to the submission of this application. In the absence of tenancy agreements for the periods between July 2014 and August 2020, rental receipts have been provided showing rent received consistently for 'The Cottage' over this period. This is supported by additional evidence dating from 2014, including the Docs 4 and 5 when the property was originally converted, plus a signed statutory declaration from the estate agent responsible for renting out during this period (Doc 23). Furthermore, Doc 22 indicates that the Council has recognised the unit as self-contained for the purposes of council tax since 2014. Whilst it is accepted that there are a few months where rental receipts are missing; which given the passage of time is not considered unusual; the submitted evidence demonstrates there was no changes to the tenancies in these months and as such the continuous use was maintained.

Tenancy agreements supported by rental receipts are provided for the periods between August 2020 and August 2022, and June 2023 and to present, to show the property was in independent use. Between September 2022 and June 2023, in the absence of a tenancy agreement or rental receipts, a signed statutory declaration from the tenant and bank records showing rental deposits provide evidence for the self-contained use.

It is considered that the evidence submitted with this application demonstrates that the unit has been in use as a self-contained outbuilding for a period of more than 10 years prior to the submission of this application.

Conclusion

We consider that this submission provides the Local Planning Authority with sufficient evidence to demonstrate that the use and operations described in this application would be lawful, and we respectfully request that a certificate is issued to that effect.

In the meantime, should you have any queries or questions in relation to the submitted material please do not hesitate to contact us.

Yours faithfully,



Sophie Middleton BA (Hons) MSc MRTPI

Principal Planner

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