

Our Ref: 23149
Your Ref: PP-12157998
Email: cjones@firstplan.co.uk
Date: 16 May 2023

London Borough of Richmond upon Thames,
Planning Enquiries (Development Control),
2nd Floor Civic Centre,
Twickenham,
TW1 3BZ

Dear Sir/Madam,

**LAWFUL DEVELOPMENT CERTIFICATE
ST JOHN AMBULANCE HEADQUARTERS, 26 PARK ROAD, TEDDINGTON, LONDON, TW11 0AQ**

This application is made on behalf of our client, Harkalm Developments Ltd, under Section 192 of the Town and Country Planning Act 1990. It seeks a Lawful Development Certificate in respect of the St John Ambulance Headquarters, 26 Park Road, Teddington, London, TW11 0AQ.

It seeks confirmation that a proposed use of the building and land within Class E(f) or Class E(g)(i) would be lawful for planning purposes. Confirmation is also sought that planning permission is not required for the removal of the garden sheds within the rear garden at the site.

The certificate is sought to assist in securing a suitable long-term tenant for this soon-to-be vacant building.

Accordingly, the application has been submitted via the Planning Portal (Ref: PP-12157998) with the following documents:

- Completed Application Forms;
- Completed CIL Form 1;
- This Covering Letter (encompassing the Applicant's Statement of Case demonstrating the lawfulness of the existing use, entailing a description of the application site, details of the existing use and proposed uses, justification as to why this is would be lawful and the date of the application);
- Site Location Plan and Block Plan;
- Existing Site Plan and Proposed Site Plan; and
- Existing Floor Plans and Proposed Floor Plans.

The requisite fee of £231, plus the £64 admin fee, has been paid online. The documents submitted are in accordance with the Council's validation requirements for certificate of lawfulness applications.

Application Site Description

The application site includes a detached single storey building situated at 26 Park Road, Teddington, London, TW11 0AQ.

The building was constructed during the 1950's as a headquarters for the local branch of the St John's Ambulance Brigade. The building and plot are broadly rectangular in shape and are located to the west side of Park Road, adjacent to the junction with Clarence Road.

The building occupies the majority of the plot; however, there is a small rear garden, which includes three garden storage sheds. The location of the site is demonstrated in Figure 1.



Figure 1. Aerial View of Site

The site is not located within a conservation area and does not comprise a listed building. It is, however, situated adjacent to the boundary of the Park Road conservation area, which adjoins the rear of the site.

There are residential properties to the north and south, and the site has a PTAL rating of 3. It is further situated within a Controlled Parking Zone and Critical Drainage Area.

Planning History Summary

The building's established use is as a local operational headquarters for the St John's ambulance brigade, which provided for training, meetings, offices and other administrative functions for the service. This is considered to be a Class E use, as is detailed later within this letter.

The planning history is assessed later within this letter; however, those permissions of most relevance to this application are set out in Table 1.

Reference number	Description of Development	Decision
47/4579	Erection of headquarters for St. John Ambulance Brigade.	Granted Permission 24/03/1954
69/0143	Use of Ambulance Hall for a nursery play group for 20 children.	Granted Permission 03/03/1969
69/0565	Use of hall for a nursery playgroup.	Granted Permission 08/05/1969

72/1815	Continuation of use of hall for Nursery playgroup purposes.	Granted Permission 09/10/1972
74/0744	Erection of single-storey rear extension to provide extra storage and office accommodation for meeting hall	Granted Permission 13/09/1974
75/0959	Erection of a single-storey prefabricated building at the rear of the existing hall for use as a Committee room and equipment store.	Granted Permission 10/11/1975

Table 1. Summary of Planning History

Legislative Background and Requirements

Lawful Development Certificates

This application is made under Section 192 of the Town and Country Planning Act 1990 (the “Act”). Section 192 affords individuals the opportunity to apply to the Local Planning Authority to obtain a decision on whether: *“a proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes”*.

The Government guidance states that if the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.

The statutory framework covering “lawfulness” for lawful development certificates is set out in Section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

Section 171B (3) of the Act sets out the relevant period after which enforcement action cannot be taken: *“In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach”*. This time period relates to both changes of use and breaches of conditions.

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the “DMPO”) specifies the contents of an application and how it must be submitted. It sets out that an application needs to describe precisely what is being applied for and the land to which the application relates. This application has been prepared to satisfy the requirements of the DMPO.

It goes on to state 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.

In the case of applications for proposed use, an applicant needs to *“describe the proposal”* with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

The relevant legislation further affirms that there is no statutory requirement to consult third parties including parish councils or neighbours; indeed, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application. 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 application process.

The guidance goes on to state that in determining an application for a prospective development under section 192 a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Planning Assessment – Proposed Use

Existing Use

The Applicant considers the Use Class of the existing building and land to be within Class E of the Town and Country Planning (Use Classes) Order 1987, as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“2020 Amendment”).

Schedule 2, Part A Commercial, Business and Service outlines Class E as follows:

<p><i>Class E. Commercial, Business and Service</i></p> <p><i>Use, or part use, for all or any of the following purposes—</i></p> <ul style="list-style-type: none"> <i>a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,</i> <i>b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,</i> <i>c) for the provision of the following kinds of services principally to visiting members of the public—</i> <ul style="list-style-type: none"> <i>i. financial services,</i> <i>ii. professional services (other than health or medical services), or</i> <i>iii. any other services which it is appropriate to provide in a commercial, business or service locality</i> <i>d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,</i> <i>e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,</i> <i>f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,</i> <i>g) for—</i> <ul style="list-style-type: none"> <i>i. an office to carry out any operational or administrative functions,</i> <i>ii. the research and development of products or processes, or</i> <i>iii. any industrial process,</i> <p><i>being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.</i></p>

Table 2. Use Class E

As flagged above, the building has been used solely by the St John’s Ambulance Bridge as a local operational headquarters since the mid-1970’s. As evidenced by the planning history, this use began much earlier in the 1950’s; however, during the late-60’s and early-70’s the building was used temporarily as a children’s nursery.

Permission was first granted for temporary children’s nursery use in 1969 (ref: 69/0565) and was twice extended. The second and final extension (ref: 72/1815) was only granted for 3 years and expired on 31st October 1975. Since this date (35+ years), it is understood that the building has been used solely by the St John’s Ambulance brigade.

The building has been used to provide training, meetings, office space and to undertake other administrative functions for the service. This is considered to be a Class E use, covering those aspects highlighted in Table 2. Indeed, the facility provided training to volunteers and office/meeting space for service volunteers.

It is considered that this falls within Class E(g)(i) as “an office to carry out any operational or administrative functions”. However, it could also be argued to include other aspects of uses within Class E, including medical training. Notwithstanding this, the Use Classes Order makes it clear that Class E includes “use, or part use, for all or any of the” purposes within Class E (a) – (g). Accordingly, use within any mix of Class E uses would remain a Class E use.

The existing Class E(g)(i) use is further corroborated by the Land Use Gazetteer (The Comprehensive Guide to Land Uses and Their Use Classes - 3 Volume Set (3 Rev ed)) which identifies a “St John’s Ambulance Bridge Office” as falling within Class B1, which is now Class E(g)(i) following the Use Classes Order revisions in September 2020.

Photographs of principal training and meeting space are provided in Figure 2 below, which demonstrates office furniture and meeting/training/presentation equipment.

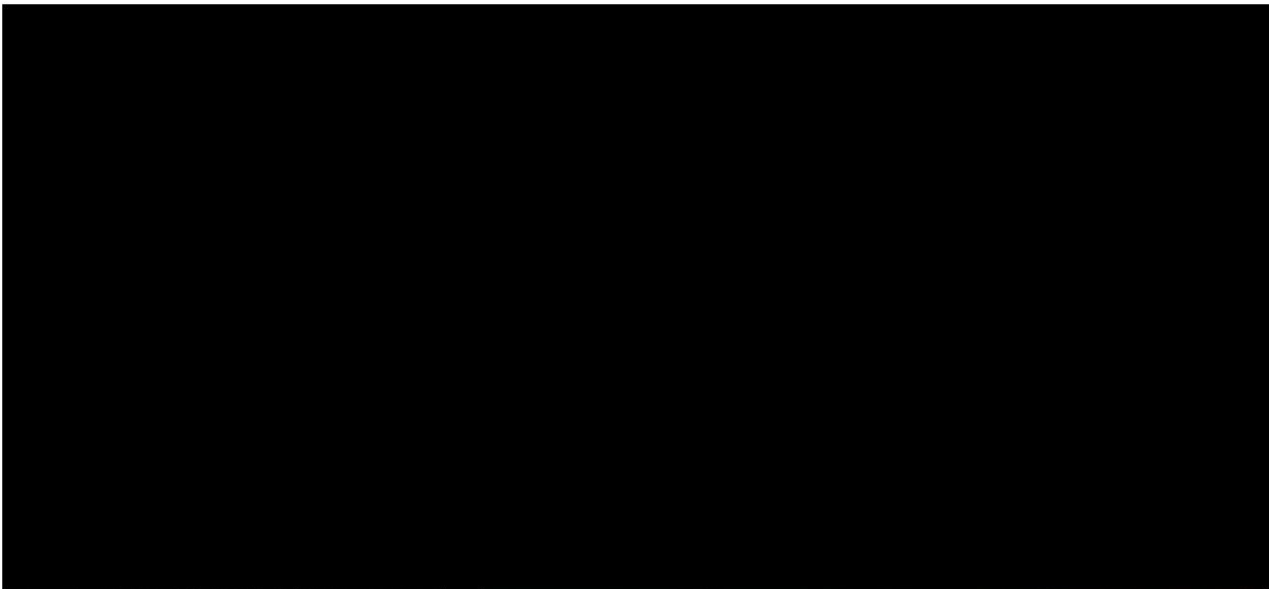


Figure 2. Existing Accommodation

The Google Streetview photographs below in Figure 3 further demonstrate the use by the St John’s Ambulance brigade since at least August 2008 and continuously across the period until 2022, which covers the latest 10 year period.



August 2008



June 2012



July 2015



April 2018



September 2020



May 2022

Figure 3. Street View Extracts

The above therefore confirms that the building has been used by the St John's Ambulance brigade to provide training, meetings, office space and undertake other administrative functions for the service over 10 years (since the mid-1970's) and is therefore the lawful use of the site.

This use is considered to fall within Class E of the Use Classes Order and confirmation of this is sought.

Proposed Use

The existing building will soon be vacant and therefore the Applicant is seeking confirmation that the building could be used within the following uses, in order to facilitate the securing of a long-term suitable occupier for the building:

- Children's nursery
- Offices

Both the existing and proposed uses fall within the same planning use class, Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. A children's nursery would fall under Class E(f) and an office would fall under Class E(g)(i).

Planning permission is not required for a change of use of a building and land from one use to another within the same use class. This is confirmed within the Town and Country Planning Act 1990 under Section 55 Part (2) f), which states:

“(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

...

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class”.

Furthermore, Article 3 (1) of the Use Classes Order states that:

“Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.”

The Explanatory Memorandum accompanying the “2020 Amendment”, which introduced Class E, further emphasises that a change of use within a single use class is not considered to be development and therefore does not require planning permission. It goes on to state that:

“Bringing these uses together and allowing movement between them will give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities”.

It further states that:

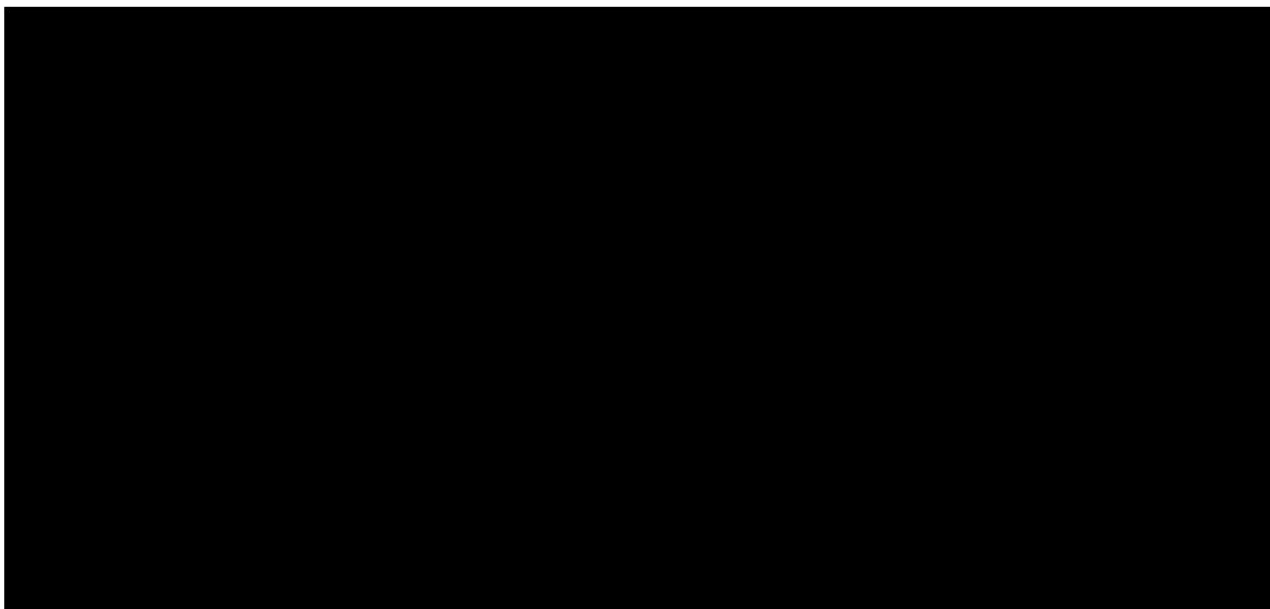
“These reforms are primarily aimed at creating vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses which communities expect to find on modern high streets, as well as more generally in town and city centres. They apply to all uses of land and buildings across England”.

In light of the above, the use of the building and land as a children’s nursery or offices, as described and depicted on the submitted proposed floor plans, would not amount to ‘development’ and would not require planning permission given the use of the building would remain within Class E.

Clearance of Garden Sheds

Confirmation is further sought that planning permission is not required for the removal of the three garden sheds at the rear of the site.

This is not considered to require planning permission given the site is not located within a Conservation Area and the small-scale and temporary nature of the structures, which comprise prefabricated garden sheds. Two are timber sheds and one is a post and panel shed.



Shed 1

Shed 1 (LHS), Shed 2 (centre) and Shed 3 (RHS)

Figure 4. Existing Sheds to be removed from the site

Whilst approved drawings are not available, it is assumed that Shed 2 could be the prefabricated structure permitted to be installed at the site in 1975 under permission ref: 75/0959. This consent required that the structure be used for purposes ancillary to the main use of the building. Confirmation is sought that this condition would be quashed should the shed be removed from the site.

Furthermore, it is not considered that permission ref: 74/0744 was implemented as there is no evidence on site to suggest that the building has been extended. Indeed, this is demonstrated by the OS Map (Surveyed: 1958 to 1960, Published: 1961) extract provided below and at Appendix 1, which demonstrates that the extent of the building within the plot has not changed since this period, as evidenced when compared with the existing site plan. The only changes have been sheds to the rear of the site

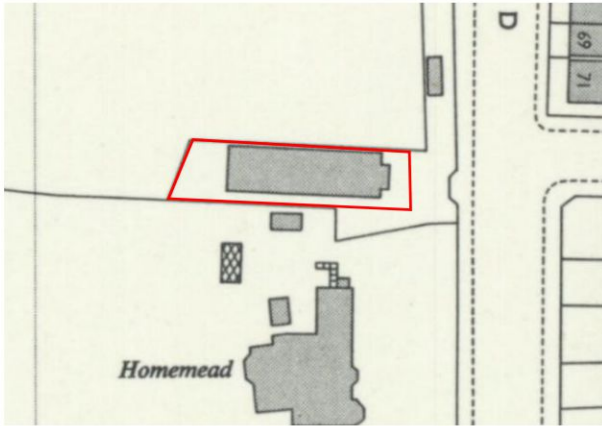


Figure 5. Extract of OS Map 1958-60 and Existing Site Plan

Accordingly, no conditions on this permission are considered to be enforceable. Confirmation of this is also sought.

Conclusions

This application is made under Section 192 of the Town and Country Planning Act 1990 and seeks a Lawful Development Certificate confirming that the proposed use of the St John Ambulance Headquarters, 26 Park Road, Teddington, London, TW11 0AQ as a 'children's nursery' or 'offices', and removal of three garden sheds, would not require planning permission.

This submission has demonstrated that the building and land is lawfully used within Class E of the Use Classes Order. Furthermore, it has been demonstrated that there are no restrictions on the site which would prevent its use within Class E(f) or Class E(g)(i) of the use classes order.

The submission is therefore consistent with the requirements of Section 192 of The Act and we respectfully request that the Lawful Development Certificate is granted at the earliest opportunity.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Chris Jones'.

CHRIS JONES
Director

Enc.

Appendix 1 - OS Map (Surveyed: 1958 to 1960, Published: 1961)

