

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

10 January 2025

Dear Sirs

Application for Certificate of Lawfulness for existing use of 16 Laurel Rd, London SW13 0EE

We are submitting this application on behalf of our client Claire Parker who is an executor and beneficiary of the estate of James Mavin Parker and Pauline Ann Parker. James Mavin Parker and Pauline Ann Parker are still listed as the registered owners of both 16 Laurel Road (HMLR title SY91592) and 17 Laurel Road (HMLR title SY75563), which are collectively now known as 16 Laurel Road following their amalgamation in 2014.

Our client would like to regularise the use of 16 Laurel Road and 17 Laurel Road as a single residential Use Class C3 dwellinghouse under the Town and Country Planning (Use Classes) Order 1987.

Our client's draft Statutory Declaration (with the signed and witnessed hard copy to follow) sets out the history of the property. 16 Laurel Road was purchased by James and Pauline through their company Rothko Limited (Co. Regn. No. 2838631) 9 August 1996, and 17 Laurel Road was purchased by them personally 7 May 1998.

Between 2011 and 2014 Pauline and James undertook significant renovations and remodelling of both properties. They gained permissions 10/2996/HOT and 12/0474/HOT to enable this, but they deviated significantly from the approved drawings. The result was a joined reception room and large kitchen/dining room on the ground floor, a joined reception/dining room on the first floor and a large and interconnected bedroom and dressing room on the second floor - see CP6 Sales Brochure for the layout as it has been since practical completion 7 March 2014.

Our client has not resided at the property during her parents' occupation, but she visited during the building works and frequently in the years since. Large family occasions were hosted at the joined property, and her family would stay over in the additional bedrooms afforded by the joined property. Our client has supported her statutory declaration with evidence showing the use of the property, and specifically with date stamped (or accompanied by metadata) images showing the use of the large family room on the ground floor (see for example CP16 Living room spanning the joined house 1 January 2014.)

We consider that the property is in lawful use as a single use class C3 dwellinghouse and has been used as such since at least March 2014. We are therefore seeking a Certificate of Lawfulness for its existing use as such.

The basis for making the decision on the certificate application is set out (as you will be aware) in The National Planning Practice Guidance ("NPPG") provides as follows (insofar as is material to this application):

'How is a lawful development certificate obtained and what does it mean?'

Anyone can apply to the local planning authority to obtain a decision on whether an existing use or development, or a proposed use or development, is lawful for planning purposes or not.

If the local planning authority is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate. Where an application has been made under section 191, the statement in a lawful development certificate of what is lawful relates only to the state of affairs on the land at the date of the certificate application.

The key statutory framework for such applications and their determination is set out in sections 191-193 of the Town and Country Planning Act 1990 ("the Act").

[...]

Paragraph: 002 Reference ID: 17c-002-20140306

Revision date: 06 03 2014

'What information must accompany an application for a lawful development certificate?'

Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. There is a different application form for each type of certificate, but either type must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application, along with the relevant application fee. Application forms can be obtained from the local planning authority and can be completed by the applicant or someone working on their behalf.

An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.'

Paragraph: 005 Reference ID: 17c-005-20140306

Revision date: 06 03 2014

'Who is responsible for providing sufficient information to support an application?'

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 counter-evidence.

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: 006 Reference ID: 17c-006-20140306
Revision date: 06 03 2014

The onus of proving the lawfulness of an existing use rests with the Applicant. The Courts have held that the relevant evidential test is 'the balance of probability' (see, for example *Gabbitas v Secretary of State for the Environment [1985] JPL 630*) i.e., as to the application, that it is more likely than not that the lawful use is the use stated in the application. This is the legal basis upon which the application must be determined by the Council.

It is submitted that the applicant's evidence as set out in the statutory declaration of Claire Parker is sufficiently precise and unambiguous to show 10 years use of the properties which were previously 16 and 17 Laurel Road, now known as 16 Laurel Road as a single Class C3 dwellinghouse.

Accordingly, the certificate is requested to be granted without delay.

Yours faithfully



Sebastian Charles

For and on behalf of Aardvark Planning Law

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Enclosures

Draft Statutory Declaration of Claire Parker with Exhibits:

- CP1 SY91592 title documents.
- CP2 ownership details for Rothko
- CP3 SY75563 title documents
- CP4 Plan 2448/5.04
- CP5 Plan 2448/5.05
- CP6 Sales Brochure
- CP7 invoices from Baxter Glaysher Consulting
- CP8 invoice from Kitchen Architecture
- CP9 Completion Certificate
- CP10 final invoice from Johnston & Mather
- CP11 Wimshurst-Pelleriti portfolio page from website
- CP12 Design Curial article 1 February 2016
- CP13 Work in progress on the house 13 November 2012 (and before photo)
- CP14 Patio laid spanning the joined house 15 September 2013
- CP15 Back Garden without separation 12 December 2013
- CP16 Living room spanning the joined house 1 January 2014
- CP17 Illustrative photo of living room from patio with kitchen visible 28 June 2015
- CP18 Christmas in the living room with garden visible 25 December 2018
- CP19 Illustrative photo of living room 26 June 2019
- CP20 EPC for 16 Laurel Road