

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Sport and Green Spaces

Address 10 GREATFIELDS DRIVE HILLINGDON

Development: Use of dwelling as a 6 bedroom House in Multiple Occupation (Application for a Certificate of Lawful Development for an Existing Use)

LBH Ref Nos: 72815/APP/2017/1577

Drawing Nos: 10G LDC 02 Rev. A
10G LDC 01 Rev. A

Date Plans Received: 03/05/2017 **Date(s) of Amendment(s):**

Date Application Valid: 08/05/2017

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the existing development described above in respect of the land edged red on the attached plans for the following reasons:

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of ten years, prior to the date of this application.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 APPRAISAL OF EVIDENCE SUBMITTED

The application seeks a certificate of lawful existing use of the dwelling as a 6 no. bedroom House in Multiple Occupation.

The application property comprises of a three storey end terraced town house with part integral garage located on the North Eastern side of Greatfields Drive which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The site is located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning permission.

The application is supported by the following evidence:

- A completed application form
- Location plan
- Existing plans
- Correspondence

The onus is on the Applicant to establish on the balance of probabilities that the property is being used as a 3-6 person HMO and that it has been so used for the last 10 years prior to the date of the application and/or it constitutes permitted development.

The agent has supplied a list of other properties, suggesting these are of similar layout and indicating a variety of approvals have been given, but this does not amount to evidence about this particular application for a certificate.

Article 4

The Council's Article 4 direction which removes PD rights for up to 6 person HMOs came into effect in March 2013. 10 Greatfields Drive is within the Article 4 area which means permitted rights do not apply since then.

10 years continuous use

The application states the change began in September 1997.

The Applicant must show on the balance of probabilities that the building has been used as a 3-6 person HMO for a continuous and uninterrupted period of 10 years prior to the date of the application.

It is noted that the confirmed start date of the use would not enable 10 years continuous use from the date of the application. Furthermore the Council's Legal Officer has advised that the application provides minimal supporting information. There is no clarification in terms of how many residents reside at the site. C4 use only allows an HMO for 3-6 persons. It is feasible that the 6 bedrooms could accommodate up to 12 residents. Furthermore, no evidence has been provided. There are no statutory declarations, utility bills or tenancies. There are also no bank statements or receipts which demonstrate rental income has been received.

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of ten years, prior to the date of this application.

The application is therefore recommended for refusal.

3.0 Relevant Planning History

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