

4D PLANNING™

Chartered Town Planners & Architectural Technicians

**CERTIFICATE OF LAWFUL USE
(EXISTING) APPLICATION UNDER
SECTION 191 OF THE TOWN & COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

Use of basement level as self contained residential unit.

Property Address: (basement level) 8b
Cleveland Road, Uxbridge, UB8 2DW.

March 2026

1.0 INTRODUCTION

1.1 The applicant has retained the services of **4D Planning** to make this submission. Please address all correspondence to 4D Planning at the contact details set out on the application form.

1.2 The property is a two-storey over basement detached building on the corner of Cleveland Road and Villier Street. This application is concerned with the basement flat (No. 8b) and is hereafter referred to as ‘the property’.

1.3 This application seeks to demonstrate that the property has been used as a self-contained residential unit for a continuous for a period of more than 4 years and that this use was substantially complete before 25th April 2024¹.

1.4 As background context to the application it is pointed out that planning permission was granted in 2021 for ‘Conversion of existing dwelling to 2 x 3-bed self-contained flats with associated parking and amenity space’ – Ref. No. 32669/APP/2021/788. At the time of carrying out these works the basement was converted into a self contained flat.

2.0 LAWFUL DEVELOPMENT

2.1 There is a multitude of evidence pointing to the fact that the property has been in existence as a residential unit for a long period of time. It is understood the property has been in continuous use as a self contained unit since 2021. Evidence submitted in support of the application includes:

- Copy of Assured Shorthold Tenancy (AST) Agreement from 2021-2022.
- Copy of AST Agreement from 2022-2023.
- Copy of AST Agreement from 2022-2023.
- Copy of AST Agreement from 2023-2024.
- Copy of AST Agreement from 2024-2025.
- Copy of AST Agreement from 2025-2026.
- Copy of Bank Statement from 2021 which has entries of monies paid in from a Hannah Caraco (this corresponds to 2021-2022 AST tenant name).
- Copy of Bank Statement from 2022 which has entries of monies paid in from a Chelsea Roach (this corresponds to 2022-2023 AST tenant name).

¹ This is in reference to Transitional Arrangements due to change in planning legislation in 2024.

- Copy of Bank Statement from 2023 which has entries of monies paid in from a Chelsea Roach (this corresponds to 2023-2024 AST tenant name).
- Copy of Bank Statement from 2024 which has entries of monies paid in from a Mohammed (this corresponds to 2024-2025 AST tenant name).
- Copy of Bank Statement from 2025 which has entries of monies paid in from a Mohammed (this corresponds to 2025-2026 AST tenant name).
- Copy of Correspondence from Hillingdon Council including:
 - Building Control letter which references new basement to existing dwelling.
 - Council tax correspondence which references three units in the building including No. 8b.
 - Council tax bill for 8b from years 2021/2022, 2022/2023, and 2023/2024.

Note: much of the above information contains personal / sensitive information and it is requested that they not be made publicly available online.

2.2 We would request that The Planning Authority liaise with the Council Tax section of the Local Authority as their records will no doubt indicate that the property has long been registered for council tax.

3.0 CONCLUSION

3.1 Planning Practice Guidance (www.gov.uk, March 2014) states:

“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”.

It is submitted that the ‘test’ of balance of probability is met in this instance. There is objective and comprehensive evidence pointing to the fact that the property has continuously and solely been used as a self contained flat for a significant number of years.

3.2 We also refer to the case law of Sage v Secretary of State for the Environment, Transport and the Regions [2003] UKHL 22; [2003] 1 WLR 983 wherein it is noted that *“The character and purpose of a structure falls to be assessed by examining its physical and design features”*. ***The character and purpose of the premises in question is undoubtedly that of a solely self contained flat.***

3.3 Having regard to the information as set out in this application, it is contended that there is no reason why a certificate of lawful use cannot be granted.