

## Planning Statement

Application for Certificate of Lawful Use

Use of flat as a residential unit

Flat 11, 23-24 New Windsor Street, Uxbridge, UB8 2TX

DLA Ref:22/542

Date: August 2023

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## 1.0 INTRODUCTION

### 1.1.0 Background

1.1.1 This report relates to an application for a certificate of lawful use for the independent residential use for Flat 11 at 23-24 New Windsor Street, Uxbridge.

### 1.2.0 Summary

1.3.1 The application is accompanied by statutory declarations, Council Tax status, Energy Performance Certificates, and other legal assessments. I consider that the evidence submitted is clear and concise to show that the Flat 11 at 23-24 New Windsor Street has been occupied as separate residential dwelling and that a certificate is therefore justified.

## 2.0 SITE & CONTEXT ANALYSIS

### 2.1.0 Location

2.1.1 The site, shown in Figure 1 below, is located to the south of New Windsor Street, to the west of the centre of Uxbridge.

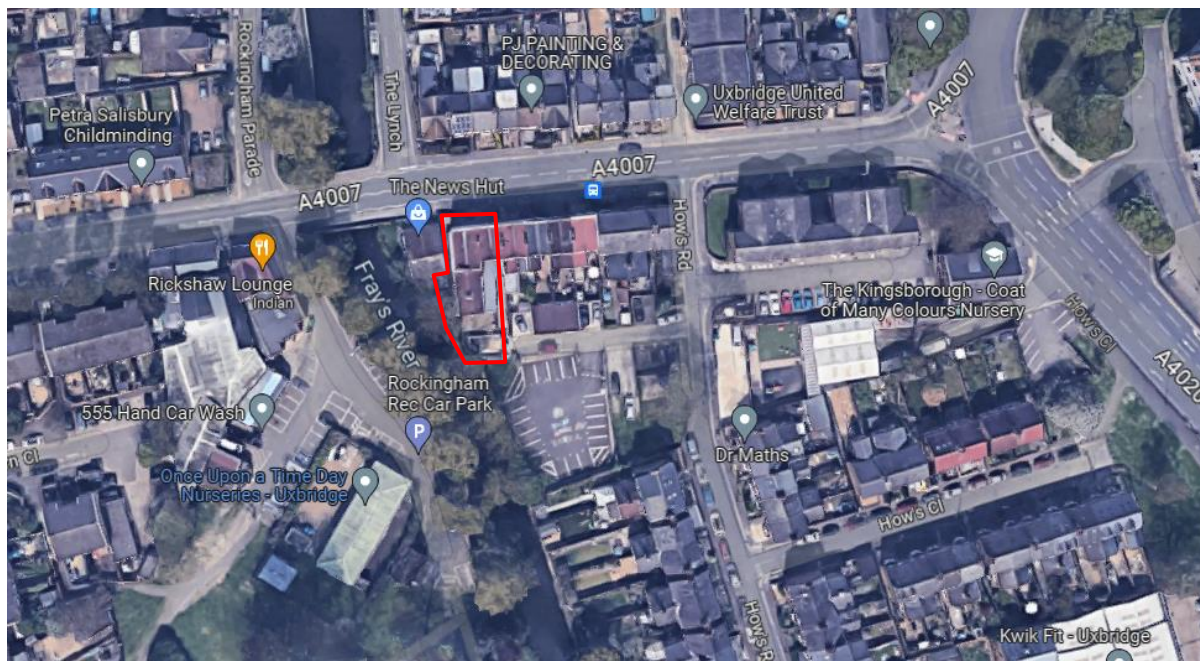


Figure 1 - Site location

### 2.2.0 Application Site

2.2.1 The application site consists of No. 23 & 24 New Windsor Road, a two-storey building that was initially built as an HMO, however for a continuous period of 4+ years Flat 11 has been used as a separate residential unit.

### 2.3.0 Context

2.3.1 The local area has a range of uses with no set characteristic. Within the vicinity there are a mix of housing types such as HMO's, flats, and houses, as well as number of various types of services and facilities.

### 2.4.0 Planning Constraints

2.4.1 The only Planning constraint upon the site is that it is located within the Rockingham Bridge Conservation Area.

### 3.0 **RELEVANT PLANNING HISTORY**

3.1.0 There is no relevant history of the application site.

#### 4.0 THE EXISTING USE

- 4.1.0 Figure 2 below shows the general arrangement of the building. As shown in Figure 2, Flat 11 has its own private bedroom/living space at first floor, and a separate kitchen and bathroom at ground floor.

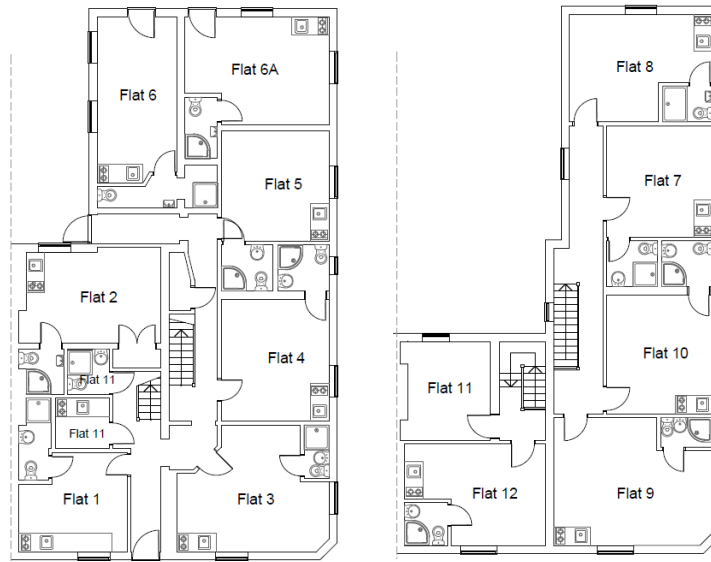


Figure 2 - Ground floor plan (left) and first floor plan

- 4.2.0 No external alterations would be made to the building.

## 5.0 THE SUPPORTING EVIDENCE

### 5.1.0 Statutory Declarations

#### 5.1.1 Viswajit Palasuntheram

Appendix 1 shows a signed Statutory Declaration made by Viswajit Palasuntheram. Viswajit, the owner of the freehold of the property, signed under oath in front of a Solicitor from WGS Solicitors on 10<sup>th</sup> August 2023, to confirm that Flat 11 has been used as a residential dwellinghouse for the same tenant who has been continuously living in the Flat for a period of 4+ years.

#### 5.1.2 Elzbieta Lubinska

Appendix 2 shows a signed Statutory Declaration made by Elzbieta Lubinska and signed in front of a Solicitor from WGS Solicitors on 10<sup>th</sup> August 2023. Elzbieta, who has cleaned at the property on a weekly basis for the last 10+ years, signed under oath to confirm that Flat 11 has been used as residential dwellinghouse continuously for a period of 4+ years.

#### 5.1.3 Eden Williams

Appendix 3 shows a signed Statutory Declaration made by Eden Williams and signed in front of a Solicitor from WGS Solicitors 10<sup>th</sup> August 2023. Eden, who has been employed by the freeholders for over 10 years, has visited the property on numerous occasions and met with the tenant at Flat 11. Eden signed under oath to confirm that Flat 11 has been continuously lived in as a residential dwellinghouse for a period of 4+ years.

### 5.2.0 Council Tax

5.2.1 The attached link shows the relevant Council Tax details for the property at No.23&24 New Windsor Street, Uxbridge - [Property information for FLAT 11 AT 23-24, NEW WINDSOR STREET, UXBRIDGE, MIDDLESEX, UB8 2TX - Check and challenge your Council Tax band - GOV.UK](#). As shown in Appendix 4, Flat 11 can be shown to have its own separate Council tax status since 12 April 2015. This wouldn't be the case if it wasn't a residential dwelling, and has been the case for a period of 4+ years.

### 5.3.0 Energy Performance Certificate

5.3.1 Appendix 5 shows the Energy Performance Certificates, all of which were produced by an accredited third party assessor. The assessment for Flat 11 is shown in Appendix 5, which confirms that Flat 11 has its own separate status as a residential unit, as well as the date of the assessment confirming that this was done 4+ years ago.

### 5.4.0 Valuation Office Agency

5.4.1 The attached link shows the relevant Fair Rent Assessment details for Flat 11 at No.23&24 New Windsor Street - <https://www.tax.service.gov.uk/check-register-fair->

[rents/detail/R31660196](#). This shows that the Valuation Office Agency rent officers view the property at Flat 11 as being a residential dwellinghouse. Appendix 6 is a snip from a copy of this assessment, which is dated April 2018, therefore at least 4 years prior to this application.



## 6.0 PLANNING CONSIDERATIONS

- 6.1.0 The Planning and Compensation Act 1991 introduced Certificates of Lawful Use for existing as well as proposed developments. In the Government's Planning Practice Guidance the section headed 'Who is responsible for providing sufficient information to support an application' makes it clear that the relevant test of the evidence is the balance of probability.

*"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."*

- 6.2.0 Section 171B (2) of the Town and Country Planning Act 1990 states that:

*'Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.'*

- 6.3.0 The three statutory declarations submitted are clear and precise and confirm that Flat 11 has been occupied as individual residential dwellinghouse for a continuous period of at least four years. Additional evidence in the form of the Council Tax status for Flat 11, third party accredited Energy Performance Certificates, as well as the legal assessments of the Valuation Office Agency, further corroborate that Flat 11 has been occupied as a residential dwellinghouse for a continuous period of at least four years.

- 6.4.0 I consider that the evidence submitted is clear and concise to show that Flat 11 within the building has been occupied as separate dwellinghouse for a continuous period of 4+ years and that a certificate is therefore justified.

## 7.0 CONCLUSIONS

- 7.1.0 This report relates to an application for a certificate of lawfulness for the use of Flat 11 at 23-24 New Windsor Street, Uxbridge, as residential dwellinghouse. The submitted evidence gives clear, precise and unambiguous information to support the application and therefore a certificate of lawful use is justified for the use of Flat 11 as independent residential unit. Moreover as set out in paragraph 6.1 the test for the evidence is the balance of probabilities, which is satisfied.

## 8.0 APPENDICIES


### 8.1 Appendix 1 - Statutory Declaration from Viswajit Palasuntheram

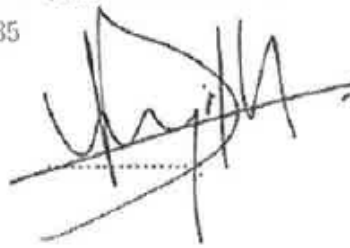
#### STATUTORY DECLARATION

I **Viswajit Palasuntheram** of 29-31 High Street, Harrow-on-the Hill, Middlesex HA1 3HT do solemnly and sincerely declare as follows:-

1. On 12 March 2003 my company Ventra Investments Limited purchased the freehold property 23 and 24 New Windsor Street, Uxbridge UB8 2TX ('the Property') registered at HM Land Registry under title number MX326314 and on 15 March 2012 it was transferred into my sole name and then on 21<sup>st</sup> August 2019 I transferred it to my company Ventra 27 Limited .
2. Therefore I have had an interest in the Property for over 20 years and during that period Flat 11 has been occupied by the same tenant.
3. I am able to make this declaration from my own knowledge.
4. I am duly authorised by the Company to make this declaration.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared at **133 Prael Street**  
**Hendon W2 1HN**  
This **10<sup>th</sup>** day of **August** 2023  
Before me  
  
A Commissioner for Oaths/Solicitor



8.2 Appendix 2- Statutory Declaration from Elzbieta Lubinska

**STATUTORY DECLARATION**

I, Ms Elzbieta Iwona Lubinska of Flat 4, 10 Kenton Road, Harrow, do solemnly and sincerely declare as follows:

I am Elzbieta Iwona Lubinska, the cleaner of No. 23 & 24 New Windsor Street, Uxbridge, and have cleaned this property for over 10 years, working on a weekly basis. I am therefore very familiar with the site.

I can therefore confirm that Flat 11 has been used as a residential unit for a continuous period of over 4 years.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared at *133 Praed Street London W2 1RN*  
*Elzbieta Lubinska*

This *10<sup>th</sup>* day of *August* 2023  
Before me

*[Signature]*  
A Commissioner for Oaths/Solicitor

**Jonathan Gerber**  
Wgs Solicitors  
133 Praed Street  
W2 1RN

8.3 Appendix 3 - Statutory Declaration from Eden Williams

**STATUTORY DECLARATION**

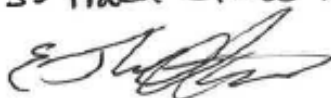
I, Eden John Williams of 29-31 High Street, Harrow on the Hill HA1 3HT do solemnly and sincerely declare as follows:

1. I have been working for Ventra 27 Limited for over 10 years.
2. Ventra 27 Limited owns the property 23 and 24 New Windsor Street, Uxbridge UB8 2TX ('the Property').
3. Throughout my employment I have had to attend Flat 11 of the Property on many occasions to deal with maintenance and other issues.
4. I have for a continuous period of over 4 years met with the tenant of Flat 11 who has been in occupation throughout that period.
5. I can therefore confirm that Flat 11 has been used as a residential unit for a continuous period of over 4 years.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

133 Praed Street London W2 1RN

Declared at



This 10<sup>th</sup>

day of August 2023

Before me



~~A Commissioner for Oaths/Solicitor~~

**Jonathan Gerber**  
Wgs Solicitors  
133 Praed Street  
W2 1RN

- 8.4 **Appendix 4** - [Property information for FLAT 11 AT 23-24, NEW WINDSOR STREET, UXBRIDGE, MIDDX, UB8 2TX - Check and challenge your Council Tax band - GOV.UK](#)  
website showing separate Council tax details for Flat 11

Property information for

## **FLAT 11 AT 23-24, NEW WINDSOR STREET, UXBRIDGE, MIDDX, UB8 2TX**

|                                         |                            |
|-----------------------------------------|----------------------------|
| <b>Local Authority</b>                  | <a href="#">Hillingdon</a> |
| <b>Local authority reference number</b> | 643505124                  |
| <b>Council Tax band</b>                 | A                          |
| <b>Improvement indicator</b>            | No                         |
| <b>With effect from</b>                 | 12 April 2015              |
| <b>Mixed-use property</b>               | No                         |
| <b>Court code</b>                       | None                       |

## 8.5 Appendix 5 - EPC Certification for Flat 11

# Energy Performance Certificate

Flat 11  
23-24 New Windsor Street  
UXBRIDGE  
UB8 2TX

Dwelling type: Top-floor flat  
Date of assessment: 13 December 2011  
Date of certificate: 17 December 2011  
Reference number: 8649-6122-9709-4447-0992  
Type of assessment: RdSAP, existing dwelling  
Total floor area: 10 m<sup>2</sup>

This home's performance is rated in terms of the energy use per square metre of floor area, energy efficiency based on fuel costs and environmental impact based on carbon dioxide (CO<sub>2</sub>) emissions.

## Energy Efficiency Rating

|                                             | Current | Potential |
|---------------------------------------------|---------|-----------|
| Very energy efficient - lower running costs |         |           |
| (92 plus) <b>A</b>                          |         |           |
| (81-91) <b>B</b>                            |         |           |
| (69-80) <b>C</b>                            |         |           |
| (55-68) <b>D</b>                            | 60      | 67        |
| (39-54) <b>E</b>                            |         |           |
| (21-38) <b>F</b>                            |         |           |
| (1-20) <b>G</b>                             |         |           |
| Not energy efficient - higher running costs |         |           |

## Environmental Impact (CO<sub>2</sub>) Rating

|                                                                 | Current | Potential |
|-----------------------------------------------------------------|---------|-----------|
| Very environmentally friendly - lower CO <sub>2</sub> emissions |         |           |
| (92 plus) <b>A</b>                                              |         |           |
| (81-91) <b>B</b>                                                |         |           |
| (69-80) <b>C</b>                                                |         |           |
| (55-68) <b>D</b>                                                | 66      | 75        |
| (39-54) <b>E</b>                                                |         |           |
| (21-38) <b>F</b>                                                |         |           |
| (1-20) <b>G</b>                                                 |         |           |
| Not environmentally friendly - higher CO <sub>2</sub> emissions |         |           |

England & Wales

EU Directive  
2002/91/EC

England & Wales

EU Directive  
2002/91/EC

8.6 **Appendix 6 - [Property information for FLAT 11 AT 23-24, NEW WINDSOR STREET, UXBRIDGE, MIDDLEX, UB8 2TX - Check and challenge your Council Tax band - GOV.UK](#)** website showing separate Council tax details for Flat 11

Registration number R31660196

**23/24 New Windsor Street, Uxbridge,  
Middlesex, UB8 2TX**

## Registration

|                                      |                       |
|--------------------------------------|-----------------------|
| Registered fair rent                 | £ [REDACTED] per week |
| Services                             | £ [REDACTED] per Week |
| Uncapped rent (for information only) | £ [REDACTED]          |
| Exempt from maximum fair rent        | No                    |
| Registered on                        | 19 April 2018         |
| Registered by                        | unknown               |
| Effective from                       | 19 April 2018         |
| Registration area                    | Hillingdon            |



DLA | Heritage

DLA | Strategic

DLA | Commercial

DLA | Residential

DLA | Leisure

DLA | *Solutions*