

Application for Certificate of Lawfulness

**Studio at Watercress Beds, Springwell Lane, Harefield,
Rickmansworth WD3 8UX**



Planning Statement, January 2019

1.0 Introduction and background

- 1.1 This statement is to support the application for a Certificate of Lawfulness for the studio at Watercress Beds, Springwell Lane.
- 1.2 This supporting planning statement describes the building on the site and provides evidence for it having been in use as a residential unit for holiday / short-term let continuously for more than four years.
- 1.3 Watercress Beds is a former garden nursery site located in the Green Belt to the south-west of Rickmansworth. It is bordered by Springwell Lake to the west, and the River Colne to the east and south. The site is accessed via a private drive leading off Springwell Lane to the north.
- 1.4 The building which is the subject of this application was formerly the garage to the main house on the site.

2.0 Grounds on which the Certificate of Lawfulness is sought

- 2.1 Section 171B of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, states that:

“171B Time limits.

(2) 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.”
- 2.2 Section 191 of The Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, provides that any person may apply to the local planning authority to ascertain whether an the existing use of a building or land is lawful.
- 2.3 Subsection 4 of section 191 of the Town and Country Planning Act 1990 establishes that if “the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect”.
- 2.4 Subsection 2 of section 191 of the Town and Country Planning Act 1990 clarifies that for the purpose of the Act a use shall be considered to be lawful at any time if:

- No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

2.5 This supporting planning statement sets out evidence that establishes that the building has been in use as a residential unit for holiday / short-term let continuously for more than four years.

2.6 No enforcement notice is currently in force.

3.0 Supporting evidence

3.1 The building has been in residential use since 5th September 2014. The first occupant was Miss Riches, who stayed at the property from 5th September 2014 until 31st December 2014.

3.2 From January 2015 until June 2015, the applicant's son Bradley Travers, who has disabilities, stayed in the studio for long weekends as trials, with a view to moving into the studio permanently if these trials worked for both Bradley and his parents. Bradley has epilepsy, cerebral palsy and hydrocephalus. If in the future Bradley needs to move into the studio permanently, this will be an option for him.

3.3 The property was let as holiday / short-term accommodation through AirBnB from June 2015 to June 2016, and through Booking.com from December 2015 to August 2017.

3.4 From August 2017, the applicant's brother Stephen Travers lived in the studio pending a double lung transplant at Harefield Hospital. He lived there until June 2018 then because of his health he moved home for full-time care from his partner. From June 2018 until the present time he has stayed in the property for at least 2-3 nights a week in order to attend hospital appointments; this will be ongoing for the next two years.

3.5 The following evidence is provided:

- Ofgem biomass boiler installation documentation (page 6 shows that a separate meter was installed for the studio).
- Emails confirming Miss Riches stay 05/09/2014 - 31/12/2014
- Large purchase receipts prior to Miss Riches moving in
- Air BnB confirmation receipts June 2015 - June 2016

- Booking.com details Dec 2015 - Aug 2017
- Letter addressed to Stephen Travers at Watercress Beds dated 5th September 2017.

4.0 Conclusion

- 4.1 There is clear evidence to demonstrate that the Studio at Watercress Beds has been continuously in use as a residential unit for holiday / short-term let for more than four years.
- 4.3 Having regard to the evidence supplied in support of this application, the Council is respectfully requested to grant this Certificate of Lawfulness.