



Certificate of Lawfulness for an Existing Use; Supporting Statement

King's Paget Hotel, 171 Station Road, West
Drayton, UB7 7NQ

City Planning Limited

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1. INTRODUCTION

1.1 This statement is submitted by City Planning (the Applicant) in support of an application for a certificate of lawfulness for an existing use at King's Paget Hotel, 171 Station Road, West Drayton, UB7 7NQ (the Site).

1.2 The application seeks a lawful development certificate for an existing use (CLEUD) for the:

Use of 171 Station Road, together with all rear extensions, as 27 room hotel (Class C1 use) as shown on the existing ground (Ref: 19030 PL2 010 D), first (Ref: 19030 PL2 011 B) and second floor (Ref: 19030 PL2 012 B) plans.

1.3 Our case is that:

- The rear extensions to the hotel are lawful on the balance of probability on the basis they were constructed as a minimum 10 years ago; and
- The hotel, together with the rear extensions, has been operated as a 27 room hotel for a minimum of 10 years.

1.4 This statement is structured as follows:

- **Section 2** of this statement sets out the *Legislative Background and National Planning Practice Guidance*;
- **Section 3** details *The Site and Surroundings*;
- **Section 4** sets out *The Planning History* of the Site;
- **Section 5** discusses *The Lawful Use of the Site*;
- **Section 6** sets out *Conclusions*.

2. LEGISLATIVE BACKGROUND AND NATIONAL PLANNING PRACTICE GUIDANCE

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

2.2 Section 191(2) of the Town and Country Planning Act (1990) is particularly relevant as it sets out the statutory framework covering 'lawfulness' for lawful development certificates. As the National Planning Practice Guidance (NPPG) (Paragraph 003; Reference ID 17c-003-20140306) explains:

'The Statutory framework covering 'lawfulness' for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.'

2.3 Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies that the contents of an application for a certificate should be accompanied by sufficient factual information or evidence for a local planning authority to decide the application.

2.4 The NPPG (Paragraph: 005 Reference ID: 17c-005-20140306) explains that an application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. It warns that without sufficient or precise information, a local planning authority (LPA) may be justified in refusing a certificate.

2.5 With regards to existing uses, the NPPG (Paragraph 006; Reference ID 17c-006-20140306) states that:

'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 that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

3. THE SITE

- 3.1 171 Station Road (the Site) consists of a C-shaped part-three, part-one storey building. The south west part of the building fronts Station Road and has three storeys. The west and north-east parts of the building are single storey rear extensions. The existing site location plan (Ref: 19030 PL2 001 C), block plan (Ref: 19030 PL2 001 C) and layout plans (Ref: 19030 PL2 010 D, 19030 PL2 011 B, 19030 PL2 012 B) of each floor accompany this submission.
- 3.2 Internally, the building consists of 27 hotel rooms. There are 13 hotel rooms on the ground floor, seven hotel rooms on the first floor and seven hotel rooms on the second floor.
- 3.3 A breakdown of accommodation on each floor is provided below:
- **Ground Floor** – 13 hotel rooms, a reception area, bar, kitchen, dining room, lounge, laundry and several storage areas;
 - **First Floor** – seven hotel rooms and two shared bathrooms; and
 - **Second Floor** – seven hotel rooms and two shared bathrooms.

4. PLANNING HISTORY

- 4.1 A review of LB Hillingdon's online planning database and archive records identifies the following relevant applications:

LPA Ref	Decision	Description
12224D/85/642	Granted 26/09/1986	Two storey side extension, ground floor single storey rear extension, change of use to hotel/guest house, conversion of garage to accommodation.
12224G/87/747	Granted 19/01/1988	Alterations to roof to form mansard with dormers to provide additional accommodation to hotel
1222K/90/1272	Withdrawn (legal agreement not signed)	17m single storey extension to hotel to provide four additional bedrooms, kitchen/dinning, dormer windows, water tank, pitched roof.
PE/00068/2011	Pre-application advice provided 03/10/2011	Conversion of 171, 173-175 and 177 Station Road to hotel, side and rear extension including demolition
12224/PRC/2020/61	Pre-application advice provided 17/08/2020	Comprehensive refurbishment, including side and roof extensions to the existing buildings at 171 and 173-175A Station Road to provide a 39 bedroom large HMO (Sui Generis use) together with six small HMOs (C4 Class use), reconstruction of the front boundary, associated hard and soft landscaping, parking and refuse and recycling stores.

- 4.2 Further commentary regarding the planning history is provided in Section 5 which discusses the *Lawful Use of the Site*.

5. THE LAWFUL USE OF THE SITE

5.1 As part of this submission, the Applicant seeks to establish that the Site, together with the rear extensions, has a lawful use as a 27 room hotel (Class C1 use). In order to do so, the following evidence that demonstrates that the Site and rear extensions have been constructed and used as a 27-bed hotel for over 10 years accompanies this submission:

- Statutory declaration from the owner of the Site (Erica Krimholtz) who confirms that the Site has operated as a 27 room hotel since at least 2010 (Appendix 1);
- Google Earth satellite images that show the existing rear extensions have been in situ since at least 2008 (Appendix 2);
- Pre-application advice (LPA ref: PE/00068.2011) from LB Hillingdon issued on 3rd October 2011 confirming the use of the building as a hotel and existence of large rear extensions at the rear of the building (Appendix 3);
- Valuation Office Agency records for 2010 and 2017 confirming that the Site is rated as a hotel since at least 2010 (Appendix 4);
- A Business rates bill issued by the LB Hillingdon for the Site that identifies the rating as a hotel (Appendix 5);
- Screenshots of the online reviews of the King's Paget Hotel accommodation from 2009 to 2019 (Appendix 6);
- Statutory Declaration from the owner's accountant (David Jonah FCCA) who also confirms that the Site has operated as 27 room hotel since at least 2010 (Appendix 7); and
- A Fire Regulations Assessment from 2016, including the layout plan showing the layout of the hotel that matches the existing (Appendix 8).

Appendices 1–8

5.2 With the above evidence in mind, by virtue of Section 91 (2) of the Town & Country Planning Act (TCPA) 1990 (as amended), a use can become lawful where no enforcement action can be taken in respect of it and its continuance is not in breach of an Enforcement Notice which is in force. S191(2) of the TCPA stipulates that enforcement action may not be taken because the use did not involve development or require planning permission, because the time limit for enforcement action has expired or for any other reason.

5.3 The time limits for taking enforcement action are set out in s171B of the TCPA. In case of the carrying out of building operations, no enforcement action can be taken after a period of four years beginning with the date of the breach. In case of the breach of planning conditions and use of the rear extensions as hotel rooms, no enforcement action can be taken after a period of ten years beginning with the date of the breach.

- 5.4 In terms of the construction works, the owner of the Site confirms in their statutory declaration (see Appendix 1) that the rear extensions to the 171 Station Road building were completed following the grant of the last planning permission (LPA Ref: 12224G/87/747) on the Site on 19th January 1988.

Appendix 1

- 5.5 As shown in Appendix 2, the Site and, in particular, the rear extensions appear in their current form in the Google Earth satellite image dated from 2008 (Fig.1). Further satellite images over the last 10 year period (Fig.2-7) confirm that the rear extensions continue to be present in the form consistent with the current layout of the Site, as shown in the Existing Ground Floor Plan (Ref: 19030 PL2 010 D), Existing First Floor Plan (Ref: 19030 PL2 011 B) and Existing Second Floor Plan (Ref: 19030 PL2 012 B) and existing elevation drawings (Ref: 19030 PL2 070 C, 19030 PL2 071 C, 19030 PL2 072 C, 19030 PL2 073 C).

Appendix 2

- 5.6 Finally, the presence of large rear extensions on the Site was also confirmed in the written pre-application advice (LPA Ref: PE/00068/2011) issued by LB Hillingdon Team Manager for Central and South Team Matthew Duigan on 3rd October 2011. The full pre-application response accompanies this submission as Appendix 3.

Appendix 3

- 5.7 When describing the pre-application site area, paragraph 4 on page 2 of the pre-application response (LPA Ref: PE/00068/2011) states (our emphasis):

*'The site itself consists of 3 buildings to street, **the main hotel building at No 171**, a modern 2 storey detached building numbered as No. 173 and No. 175 Station Road and used as a set of 4 hotel serviced flats on a bed and breakfast basis, and No. 177 a semi-detached house that your letter informs us has not been occupied since 1999.'*

- 5.8 Furthermore, the pre-application response confirms the presence of the large rear extensions to the hotel already on Site at that time in paragraph 1 on page 3 of the advice:

'Behind the 2 detached 2 storey buildings on the site is a large approximately 14m deep single storey extension providing hotel bedroom accommodation and physically attached to No 177.'

- 5.9 The rear extensions are physically attached to 171 Station Road, as shown in Appendix 1, therefore the reference to 177 is clearly a typographical error only.
- 5.10 As such, it is considered that the construction of the rear extensions has been undertaken over 10 years ago and therefore is now considered lawful.

- 5.11 In terms of the use of the Site, this application is accompanied by the screenshots from the Valuation Office Agency (VOA) website included in Appendix 4. The VOA records confirm that the Site has been identified as 'hotel and premises' for business rates purposes since 1st April 2010 to present date.

Appendix 4

- 5.12 A copy of the business rates bill issued by LB Hillingdon dated 6th April 2018 also accompanies this submission as Appendix 5. The bill is addressed to the owner of the Site, Mrs Erica Krimholtz, and confirms the description of 171 Station Road as 'hotel & premises'.

Appendix 5

- 5.13 The continuous use of the Site as a hotel is also evident by the numerous online reviews of the Kings Paget Hotel accommodation on various hotel booking and hotel review websites. Screenshots of the examples of such reviews for a period of the last 10 years (dating from June 2009 to October 2019) accompany this submission as Appendix 6.

Appendix 6

- 5.14 The Kings Paget Hotel has 27 hotel rooms as set out in *The Site* section of this statement and shown on the existing drawings (Ref: 19030 PL2 010 D, 19030 PL2 011 B, 19030 PL2 012 B). Both the owner of the Site and the accountant for the owner, Mr David Jonah, confirm in their statutory declarations (see Appendix 1 & 7) that this has been the case for over 10 years.

Appendix 1&7

- 5.15 Finally, this submission is accompanied by a copy of the Fire Risk Assessment (FRA) for the Site prepared by City Fire Protection & Maintenance Service LLP on 15th January 2016. The extract of the FRA includes a fire escape route plan of the Site. The plan shows the building layout is consistent with the current layout of the Site with 27 hotel rooms, including 13 hotel rooms on the ground floor and 7 hotel rooms each on the first and second floors.

Appendix 8

- 5.16 With all the above in mind, it is evident that 171 Station Road, including the rear extensions, has been in use as a Kings Paget Hotel, providing 27 hotel rooms, since 2008 and for a period of over 10 years. In light of this, it is considered the lawful use of the Site is a 27 room hotel and a lawful development certificate confirming this should be issued.

**A1. STATUTORY DECLARATION FROM THE OWNER OF THE SITE
ERICA KRIMHOLTZ**

**A2. GOOGLE EARTH SATELLITE IMAGES OF THE SITE DATED
BETWEEN 2008 AND 2019**

**A3. WRITTEN PRE-APPLICATION RESPONSE (LPA REF:
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