

Environment and Community Services  
London Borough of Hillingdon  
3 North, Civic Centre  
High Street  
Uxbridge  
UB8 1UW

Reference: 300001

28 August 2024

Dear Sir/Madam

**Verve Planning**  
info@verveplanning.com  
www.verveplanning.com

Reg no. 11491335

**Northwood Auto Services Ltd, rear of 20-24 Hallowell Road, Northwood, HA6 1DW**

We are pleased to submit, on behalf of the owner of the above property, an application made under Section 191 of the Town and Country Planning Act 1990 (as amended) to confirm through a Lawful Development Certificate (LDC) that the lawful use of the above site is as a Vehicle Repair Centre.

The LDC application, together with this covering letter, is accompanied by the following information:

- The completed application form
- Location Plan SL00
- Existing Drawings EX01-EX10
- Planning Statement (this letter)
- Evidence within the following Appendices:
  - Appendix 1 – Site Location Plan SL00
  - Appendix 2 – Official Copy Title Plans AGL52981 and MX309247
  - Appendix 3 - Statutory Declaration of Mr P Day dated 11 July 2024
  - Appendix 4 – Commercial Property Standard Enquiries Form
  - Appendix 5 - Statutory Declaration of Mr J Murphy;
  - Appendix 6 – officer delegated report for planning application ref: 77806/APP/2023/2944 (March 2024)
  - Appendix 7 - Business Rates Records – dating 2005-2006; 2016-2020; 2020-2022; 2023-2025 (and Motor Parts Direct Statement dated Feb 2021)
  - Appendix 8 - Report prepared by HSB Haughton dated February 2011
  - Appendix 9 - NIG Insurance Policy dated 15 November 2011
  - Appendix 10 - Noyce Livett Motor Trade insurance renewal letter dated 15 October 2010
  - Appendix 11 - Premium Credit letter dated 15 October 2011
- Fee of £578 (plus Portal fee of £70)

**The Facts of the Case**

This site contains two linked workshop buildings, a smaller storage building, and yard area used as a vehicle repair centre. To the north is a site known as 12-18 Whittles Yard with a nursery beyond, to the east are the rear gardens of residential properties, to the south is a site known as Cooks Garage, and to the west is the surface car park of Northwood Station with the rail line some distance beyond.

See photos of site below:



Photo of site taken on 14 September 2022



Google Earth image dated 6.3.2022

The site has been referred to as various addresses over the years including Whittles Yard, Davis Yard, land rear of 14-24 Hallowell Road, land rear of 32 Hallowell Road. The site this LDC relates to is identified in the Site Location Plan (**Appendix 1**) and relates to land rear of 20-24 Hallowell Road. This land is covered by Title Numbers AGL52981 and MX309247 (**Appendix 2**).

It is located to the rear of properties on Hallowell Road (to the east) and accessed via a road between 14 and 16 Hallowell Road with a secondary access point via Forge Lane to the south. The site has been used for car repairs since the 1960s.

Mr Paul Day owned the premises from the 1990s until 2023. Mr Day operated the site as a vehicle repair centre for around 25 years offering a range of services including car repairs, MOTs and servicing until his retirement in 2022. Mr Day traded as Northwood Auto Services. Attached at **Appendix 3** is a Statutory Declaration of Mr

Day confirming ownership and the continued use of the site for motor repairs during his ownership.

The Commercial Property Standard Enquiries Form completed by Mr Day during the sale of the premises in 2022 (see **Appendix 4**) includes various references to the nature of the use including:

- 8.10 – ramps within the workshop;
- 10.2 - main electricity meter in the adjacent building, R/O 18 Hallowell Rd, which supplies both the MOT bay and the workshops.
- 12.4/12.5 - The seller is not aware of any planning permission for the use of the building. It has been in use as a garage since 1960s
- 15.4(a) - the Property has been in continuous use as a garage since the 1960s

The Statement from Motor Parts Direct dated February 2021 also confirms vehicle parts being purchased by the business.

The current owner, H&JM Ltd, purchased the property from Mr Paul Day in November 2022 and currently operate it as a vehicle repair centre similar to the previous operation. The site was empty for approximately 12 months following the previous owner's retirement and prior to the current owner reopening the premises as a vehicle repair workshop in March 2023. While the car repair business was closed there was no other intervening use of the premises. Attached at **Appendix 5** is a Statutory Declaration from James Murphy confirming ownership and the current use of the site. The current owner trades as Northwood Auto Services Ltd.

The delegated officer report dated March 2024 relating to planning application ref: 77806/APP/2023/2944 described the site as being 'occupied by two, single-storey linked workshop buildings with gable roofs, a store with a mono-pitch roof and a yard, used as a vehicle repair centre' (page 5). See **Appendix 6**. A previous pre-application letter issued by the council (77806/PRC/2023/11) on 20 March 2023 also described the site as a 'vehicle repair centre'.

Additional Information to confirm the use of the site is as follows:

- Business Rates Records – dating 2005-2006; 2016-2025.
- Inspection Report prepared by HSB Houghton dated February 2011 – assesses various types of equipment used in the motor repair industry and refers to previous inspections in 2009 and 2010.
- NIG Insurance Policy dated 15 November 2011 (which confirms the site at land rear of 14-24 Hallowell Road was used for 'motor vehicle servicing and repair'. Page 6 refers to equipment within the insured site e.g vehicle lifting tables, trolley jacks, etc.
- Noyce Livett letter dated 15 October 2010 refers to the motor trade insurance renewal
- Premium Credit letter to Northwood Auto Services, dated 15 October 2011

The Valuation Office Agency (VOA) online records show various records for 'workshop and premises' between 2017 and 2023. Prior dates are not available online.

## **The Statutory Framework**

### The Town and Country Planning Act 1990

An application for a certificate of lawfulness of existing use or development can be made under s.191 of the TCPA, which provides:

*“(1) If any person wishes to ascertain whether-*

*a) Any existing use of buildings or other land is lawful; ....  
he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.*

*(2) For the purposes of this Act uses and operations are lawful at any time if-*

- a) 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*
- b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

In law, if the activity in question is shown to be lawful, the Council has no discretion, under S191, other than to grant the application: they “shall” issue a certificate to that effect. The onus of proving the lawfulness of an existing use rests with the applicant. The relevant test on such matters is “the balance of probabilities”. The courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence to be accepted.

Subsection (4) of s.191 provides that if, on an application under this section, the local planning authority is provided with information satisfying it 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 it, it must issue a certificate to that effect; and in any other case it must refuse the application.

In this case, the application is supported by sworn statutory declarations, which clearly state that the site has been in use as a car repair centre since around 1996 when the previous owner bought the site. In law, these sworn statements are sufficient evidence, if clear and unequivocal and not outweighed by any evidence held by the Council, to confirm that on the balance of probabilities the site has been in vehicle repair use continuously for the previous ten years. The sworn statements are sufficient evidence to support the granting of a Lawful Development Certificate.

The law is further explained in paragraph 005 of the National Planning Policy Guidance which 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.”

In this case, the Council has before it sworn evidence from Mr Day that the site was used between the years 1996-2022 as a vehicle repair centre and from Mr Murphy that it has been used from March 2023 to the present day.

### **Applying the Facts to the Statutory Framework**

The sworn evidence before the Council is unambiguous and states that the property has been in continuous use as a vehicle repair centre since 1996 to the present day.

The site has been in continuous use as a vehicle repair centre for the previous ten years (and more) and there has never been any other intervening lawful use of that building which could have interrupted its lawful use as a vehicle repair centre.

For the Council to take an alternative legal opinion it would need to show that at some point during the previous ten years another lawful use was established which in law extinguished the legal use of the property. There is significant and unambiguous sworn evidence and other information submitted that this has not occurred.

### **Conclusions**

We consider that the facts confirm that the use of the site is as a vehicle repair centre, and we therefore request that the council issue a LDC confirming this.

If you require any further information or clarification, please contact me.

Yours faithfully



Helen Greenhalgh

Enc: as listed on page 1  
cc: Mr James Murphy