

Introduction

Plan-A were approached by a new client following a recommendation from a neighbour. The client required advice as to the best means of regularising the lawful use of a property in their ownership, since its use as an office had been undertaken without the benefit of planning permission.

The Site

The property comprises an old coach house which sits as one of a number of outbuildings associated with a cluster of development located along the Fosseyway. Other existing development associated with the site was in a variety of uses and was accessed directly from the A429.

Our Approach

Our initial background research established that there were two aspects that needed regularising regarding the use of the Coach House. One concerned the need to remove an historic condition that restricted the lawful use of the building, whilst it was also necessary to apply for a Certificate of Lawfulness in connection with the use of the building. Unlike conventional planning applications, a Certificate of Existing Lawful Use or Development is considered on the facts of the case so, in this instance, 'normal' planning policy considerations were not relevant.

Having agreed an appropriate planning strategy, we started to prepare evidence in support of the Certificate of Lawfulness application which included historic rental agreements, photographs and statutory declarations confirming that the part of the building in question had been used for Class B1 (office) use for a period in excess of 10 years. Once the evidence file and a corresponding supporting statement had been prepared, the application was submitted to the Council.

During their consideration of the application, the Council's legal team requested additional clarification to confirm precisely which parts of the building had been used as an office. However, following the submission of an additional plan, the Council confirmed that they had no evidence that contradicted the information we had provided such that on the balance of probabilities' the office use was lawful, and the Certificate was subsequently granted.
