



Phillips Planning Services Ltd.
Town Planning and Development Consultants

15 MARKET SQUARE BUCKINGHAM

SUPPORTING STATEMENT

**APPLICATION FOR A LAWFUL DEVELOPMENT
CERTIFICATE TO CONFIRM THAT THE PROPOSED
USE OF THE GROUND FLOOR AND FIRST FLOOR
AS MEDICAL CONSULTING ROOMS (CLASS E)
WOULD BE LAWFUL**

JANUARY 2021

1.0 INTRODUCTION

- 1.1 The following statement has been prepared in support of an application for a Lawful Development Certificate to confirm that the use of the ground floor and first floor of 15 Market Square, Buckingham as medical consulting rooms (use class E) would be lawful.
- 1.2 15 Market Square is located on the northern side of Market Square approximately 10-15 metres from its roundabout junction with West Street and Bridge Street. It is a three-storey red brick property constructed as part of a terrace with nos. 13 and 14. The ground and first floor of the property is a shop unit which was most recently used as hairdressers.
- 1.3 The lawful use of these floors as a shop unit was confirmed in 2008 when previous owners sought planning permission for the use of the first floor as part of the hairdressers (former 'A1' use class).
- 1.4 In September 2020, the Use Classes Order was amended, and a new use class (class E) was introduced to include all 'commercial, business and service uses. The class includes the uses which previously fell within the A1 use class such as hairdressers as well as use for *"...the provision of medical or health services, principally to visiting members of the public..."*
- 1.5 The Town and Country Planning Act meanwhile sets out that changing between uses within the same 'use class' does not constitute development and therefore does not require planning permission.
- 1.6 As the existing and proposed use of the ground and first floor of 15 Market Square are both within Class E, it is not necessary to obtain planning permission for this change of use.
- 1.7 Therefore, the purpose of this application is to obtain a Lawful Development Certificate to formally confirm that the proposed use would be lawful.

1.8 This supporting statement provides a full analysis on this position and is organised as follows:

1.0 Introduction

2.0 Planning History

3.0 Analysis of the Town and Country
Planning Act and Use Classes Order

4.0 Summary

2.0 PLANNING HISTORY

2.1. The planning history records for 15 Market Square, Buckingham have been identified as follows:

78/00101/AV	Externally illuminated fascia board Approved 27/04/1978
78/00102/AV	Alteration of shop front to enable trade fascia to be displayed Approved 27/04/1978
92/00067/AAD	Illuminated hanging sign Approved 10/03/1992
92/00068/ALB	Illuminated hanging sign Approved 10/03/1992
94/00896/AAD	Fascia and Projecting Signs Refused 07/07/1994
94/0087/ALB	Retention of fascia and projecting signs Refused 07/07/1994
94/01547/AAD	Fascia and hanging signs Approved 14/10/1994
94/01548/ALB	Fascia and hanging signs Approved 14/10/1994
08/02057/APP	Change of use of upper floors to Class A1 (ladies hair dressing salon) retrospective Approved 24/09/2008
20/04229/APP	Alterations to ground floor front elevation and internal work including removal of existing stairs and replace on first floor Alteration to existing Ground Floor Shop Front (Construction matching - style, material and appearance of existing) to incorporate a doorway forming independent access to residential (C 3.) First and Second Floors. INTERNAL - GROUND AND FIRST FLOOR: Ground Floor: Remove existing stairs to first floor and install replacement as illustrated on plan (201923-2). Create corridor. First Floor: Enclose landing. Revised internal non load

bearing partitions as illustrated on plan (201923-2).
Formation of bathroom as illustrated on plan
(201923-2) **Withdrawn**

20/04230/ALB

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- 2.2. As has been set out, the lawful use of the ground and first floor of the property is as a shop unit. This was confirmed in 2008 when planning permission was unconditionally granted to use the upper floors for A1 use class (hair dressing) purposes (Reference number 08/02/057/APP).
- 2.3. There have been no subsequent consents altering the use of the ground or first floor.

3.0 ANALYSIS OF THE TOWN AND COUNTRY PLANNING ACT AND USE CLASSES ORDER

- 3.1. Section 57 of the Town and Country Planning Act 1990 states that “...*planning permission is required for the carrying out of any development of land*”.
- 3.2. The definition of development is meanwhile set out under Section 55 of the Act. It sets out at subsection (2) (f) that the definition does not include “*in the case of buildings or other land which are used for a purpose of any class specified in an order made the Secretary of State under this section, the use of the buildings or other land or, subject to the provision of the order, of any part of the buildings or the other land, for any other purpose of the same use class*”.
- 3.3. The Use Classes Order was issued in 1987 to set out what uses fall within each ‘use class’ and was most recently amended as of the 1st September 2020 (2020/757).
- 3.4. The 2020 amendment introduced a new use class (Class E-Commercial, Business and Service) and set out that this would include the uses previously classified as A1, A2, A3 and B1 as well as a number of other specified uses, such as “*for the provision of medical or health services principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner*”.
- 3.5. Given that the existing and proposed use are therefore both within Use Class E, it is not necessary to obtain planning permission for the change of use.
- 3.6. The Town and Country Planning Act 1990 also identifies at Section 192 that where an applicant wishes to confirm that the proposed use of a building would be lawful, that they should apply for a Lawful Development Certificate.
- 3.7. Accordingly, this application has been made to confirm that the use of the ground floor and first floor of 15 Market Square, Buckingham as medical consulting rooms (use class E) would be lawful.

4.0 SUMMARY

- 4.1. This application seeks to obtain a Lawful Development Certificate to confirm that the proposed use of the ground and first floor of 15 Market Square, Buckingham as medical consulting rooms would be lawful,
- 4.2. The existing lawful use of the floors are as a shop unit (former A1 use class) and were most recently used as a hairdressers.
- 4.3. The Use Class Order was amended in September 2020 and created the 'Commercial, Business and Service' use class (Class E). The new use class includes former A1 uses as well the *"...provision of medical or health services, principally to visiting members of the public..."*
- 4.4. The Town and Country Planning Act 1990 sets out at section 55 that changing between uses within the same 'use class' does not involve development.
- 4.5. The proposed use of the floors for medical consulting rooms is therefore not development and does not require planning permission.
- 4.6. A Lawful Development Certificate to confirm this position is therefore respectfully requested.



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