

SUPPORTING STATEMENT

14 CALEDONIAN ROAD, BRIGHTON, BN2 3HX

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS: EXISTING USE
BY MR MARK RAYWARD**

APRIL 2021

1.0 INTRODUCTION

1.1 This statement is submitted in support of the application by Mr Mark Rayward for a Certificate of Lawfulness for the existing use of 14 Caledonian Road, Brighton as a sui generis large house in multiple occupation. It will set out the reasons why the use as a seven-person sui generis large HMO is lawful and a Certificate confirming so should be granted.

1.2 14 Caledonian Road is currently in use as a large house in multiple occupancy on the south side of Caledonian Road in central Brighton.

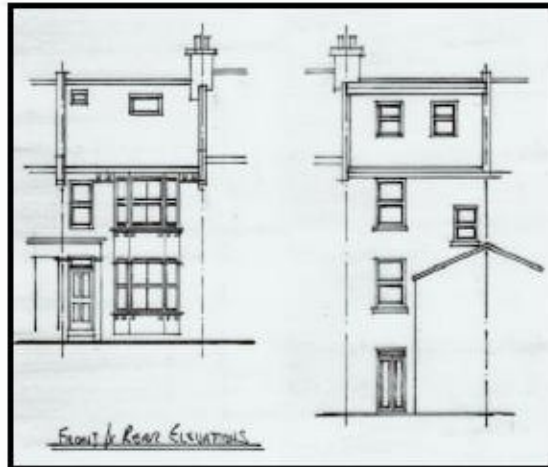


14 Caledonian Road

1.3 The property is a mid-terrace two-storey property with basement. The property also has a converted loft space.

1.4 Building control records show that the loft conversion was completed in 2010, with a formal completion notice issued in October 2010 (reference **FP2010/1286**).

1.5 The focal point for the surrounding area is the Lewes Road District Centre, containing a mix of shops, cafes, takeaways and convenience stores and surrounded by rows of terraced housing.



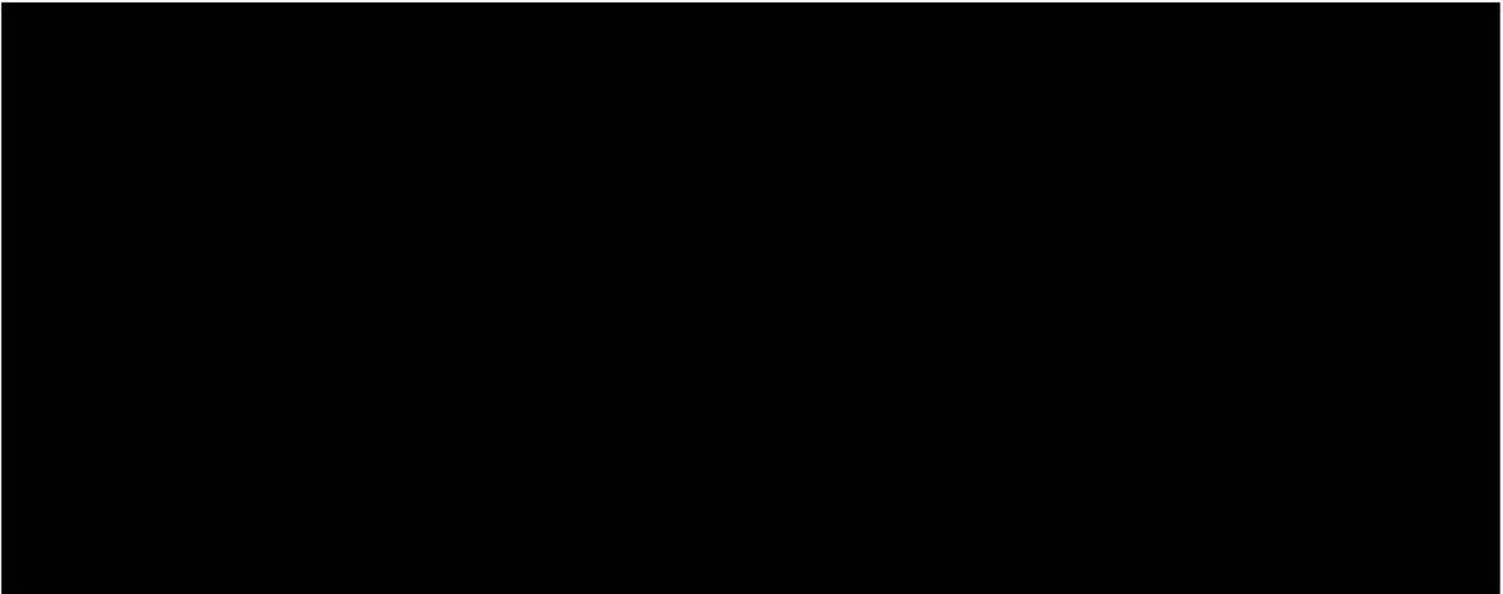
Front and Rear Elevations

- 1.6 The accommodation contains seven bedrooms, kitchen, living room, shared bathrooms and outdoor amenity space, set out over four floors of accommodation.
- 1.7 The neighbouring properties are of the same style and scale and the terrace retains a consistent architectural uniformity.
- 1.8 To be classed as a sui generis large HMO a property must be let to 7 or more unrelated individuals who do not form a single household and who share facilities such as a kitchen and bathroom.
- 1.9 The principal reason that the sui generis large HMO use is considered lawful is that 14 Caledonian Road has been let to seven unrelated individuals since at least 25th September 2010 until the present day. At the date of the application this exceeds 10 years of continuous use and the use, although not benefitting from express planning permission, the use is now immune from enforcement action and is the lawful use of the property.
- 1.10 As shown on the submitted drawings, occupants of the property share normal facilities required for day-to-day private domestic existence.
- 1.11 Use as a shared house has been continuous and without interruption and is strongly supported by the evidence submitted. The evidence includes the tenancies at the property for the last 11 years.

- 1.12 This statement will now provide an explanation of the evidence submitted. This will demonstrate on the balance of probability it is clear that the lawful use of the property is *sui generis large HMO (seven occupants)*.

2 EVIDENCE OF LARGE HMO USE

- 2.1 We have provided evidence that the property has been occupied by seven occupants for a continuous period over ten years dating back to 25th September 2010.
- 2.2 ASTs have been supplied showing the tenants renting the property from September 2010 until the date of this application and these have been supplemented by Landlord Rental Statements, and deposit protection certificates.
- 2.3 These documents support the property's use as a sui generis large HMO for a period longer than ten years and clearly demonstrate the full rental history of the property over this eleven-year period. Multiple pieces of evidence have been provided for each year that corroborates these details. This confirms that the property has been continuously let to seven unrelated people throughout this time.
- 2.4 As a summary, the submitted tenancy agreements show the following seven occupants over the last eleven years:

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- 2.5 This evidence establishes the property as an existing lawful sui generis large HMO.

3.0 PLANNING HISTORY

- 3.1 There are no planning applications relating to the site listed on the Council's online register (dating back to 1997).

4.0 LAWFUL USE OF PROPERTY

- 4.1 Section 191 of the Town and Country Planning Act 1990 states:

(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.*

- 4.2 Section 171B of the same Town and Country Planning Act 1990 sets out statutory time limits for enforcement action stating:

(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.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

- 4.3 The property is in use by seven unrelated individuals and retains the character of a dwellinghouse but the evidence demonstrates at least ten years of continuous and uninterrupted use in any case (Section 171B (3)).

- 4.4 It is therefore necessary to demonstrate that the initial breach occurred on or before April 2011 and the property has remained in this use since. The evidence shows the use occurring for a continuous period of more than 10 years, since September 2010.
- 4.5 The Council's Enforcement Register, which shows enforcement action taken by the Council since at least 1950, contains no record of enforcement action at 14 Caledonian Road meaning that part 2(b) of Section 191 of the Town and Country Planning Act 1990 would not apply.
- 4.6 The evidence supplied shows that 14 Caledonian Road had changed use to a sui generis HMO by September 2010 at the latest (the date of the earliest rental agreement/landlord statements that we have provided). Therefore, the lawful use of 14 Caledonian Road is as a sui generis HMO.
- 4.7 In light of the above and the evidence submitted, the Applicants respectfully requests that Brighton & Hove City Council issue a Certificate of Lawful Use to confirm the lawful use of the property as a sui generis HMO.

Lewis & Co Planning
April 2021

APPENDICES

APPENDIX A 2010/11 EVIDENCE

Consisting of:

- Deposit Protection Certificate – reference DPC00941542
- Assured Shorthold Tenancy Agreement – dated 25th September 2010

APPENDIX B 2011/12 EVIDENCE

Consisting of:

- Landlord Statement – September 2011
- Deposit Protection Certificates – reference DP01098094
- Assured Shorthold Tenancy Agreement – dated 20th September 2011

APPENDIX C 2012/13 EVIDENCE

Consisting of:

- Landlord Statement – October 2012
- Deposit Protection Certificates – reference DP01451675
- Assured Shorthold Tenancy Agreement – dated 20th September 2012

APPENDIX D 2013/14 EVIDENCE

Consisting of:

- Landlord Statement – September 2013
- Deposit Protection Certificate – reference DPC01942509
- Assured Shorthold Tenancy Agreement – dated 28th August 2013

APPENDIX E 2014/15 EVIDENCE

Consisting of:

- Landlord Statement – October 2014
- Deposit Protection Certificate – reference DPC02401605

- Assured Shorthold Tenancy Agreement and Amendment – dated 28th August 2014

APPENDIX F 2015/16 EVIDENCE

Consisting of:

- Landlord Statement – September 2015
- Deposit Protection Certificate – reference DPC02887854
- Assured Shorthold Tenancy Agreement – dated 5th August 2015

APPENDIX G 2016/17 EVIDENCE

Consisting of:

- Deposit Protection Certificate – reference DPC03277582
- Assured Shorthold Tenancy Agreement – dated 16th August 2016

APPENDIX H 2017/18 EVIDENCE

Consisting of:

- Landlord Statement – July 2017
- Assured Shorthold Tenancy Agreement – dated 22nd July 2017

APPENDIX I 2018/19 EVIDENCE

Consisting of:

- Landlord Statements – August 2018 and September 2018
- Deposit Protection Certificate – reference DPC04493370
- Assured Shorthold Tenancy Agreement – dated 31st July 2018

APPENDIX J 2019/20 EVIDENCE

Consisting of:

- Landlord Statement – August 2019
- Deposit Protection Certificate – reference DPC04832158
- Assured Shorthold Tenancy Agreement – dated 7th August 2019

APPENDIX K

2020/21 EVIDENCE

Consisting of:

- Landlord Statement – December 2020
- Deposit Protection Certificate – reference DPC05295032
- Assured Shorthold Tenancy Agreement – dated 31st July 2020