

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

### Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## 1. Site Address

Number	<input type="text" value="12"/>
Suffix	<input type="text"/>
Property name	<input type="text"/>
Address line 1	<input type="text" value="Penarth Road"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Falmouth"/>
Postcode	<input type="text" value="TR11 2NY"/>

Description of site location must be completed if postcode is not known:

Easting (x)	<input type="text" value="180131"/>
Northing (y)	<input type="text" value="33219"/>

Description

## 2. Applicant Details

Title	<input type="text" value="miss"/>
First name	<input type="text" value="charlotte"/>
Surname	<input type="text" value="valles"/>
Company name	<input type="text"/>
Address line 1	<input type="text" value="4"/>
Address line 2	<input type="text" value="Penarth Road"/>
Address line 3	<input type="text"/>

## 2. Applicant Details

Town/city	<input type="text" value="Falmouth"/>
Country	<input type="text"/>
Postcode	<input type="text" value="TR11 2NY"/>

Are you an agent acting on behalf of the applicant?

Yes  No

Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

## 3. Agent Details

No Agent details were submitted for this application

## 4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- An existing use
- Existing building works
- An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application**

**If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.**

Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include Use Classes C2A and C4 or the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

C3 - Dwellinghouses

## 5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Activity: I require a certificate of lawfulness to recognize the existing unlicensed HMO of 4 persons sharing at the property I am trying to purchase (12 Penarth rd) for our lender. This property has been run as an unlicensed HMO since 2005 continually with originally 5 unrelated persons sharing prior to the article 4 designation in 2016, since 2016 there have been 4 unrelated persons sharing the property.

## 6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

Yes  No

## 6. Grounds for application of a Lawful Development Certificate

Please state why a Lawful Development Certificate should be granted

The activity, letting the property to 4 unrelated persons at 12, Penarth rd, Tr11 2ny should be granted as it is in existing use and has been so for over 10 years. The property has been let out to 5 persons prior to 2016 and 4 persons following the article 4 declaration. There have been to breaks in the manner the property has been rented out (4 unrelated persons residing at the property) since 2005.

## 7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

31/08/2005

In the case of an existing use or activity in breach of conditions has there been any interruption?  Yes  No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?  Yes  No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?  Yes  No

## 8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

## 9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

### Officer name:

Title

First name

Surname

Reference

Date (Must be pre-application submission)

18/05/2021

Details of the pre-application advice received

Mr Ball called me in regard to my planning application for a certificate of lawfulness I am seeking for the property I am trying to purchase with the estate agents Lewis Haughton Wills. Mr Ball advised re the documents required. I have therefore attached all tenancies relating to the shared occupancy of the property dating back to 2017 along with a statement from the lettings manager, Rhiannon Fraser which lists the tenancies dating back to the 2017 date requested and confirms that they have let this property to 5 persons prior to article 4, and 4 persons following article 4 on behalf of the owners since they purchased it in 2005.

## 10. Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

## 10. Interest in the Land

Have they been informed of the application?

Yes  No

## 11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

10/05/2021