

Head of Planning
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks TN13 HG

05 October 2021

OUR REF: JE/20/208/FD

Dear Mr Morris

CERTIFICATE OF LAWFULNES FOR EXISTING DEVELOPMENT
HENDEN MANOR ESTATE, IDE HILL ROAD, IDE HILL TN14 6LA

I enclose on behalf of my clients, Mr & Mrs M & R Lovegrove an application under Section 191 of the Town & Country Planning Act 1990 for a Certificate of Lawful Development in respect of development completed in late 2000 for the conversion of a building to form offices, a gym and ancillary facilities at, Henden Manor Estate, Ide Hill Road, Ide Hill, Sevenoaks TN14 6LA. The application is accompanied by the appropriate fee. The application is also accompanied by plans which identify the building and works for which a Certificate is sought.

Background & Evidence

Planning permission was granted in December 1998 under Council reference SE/97/2342 for the change of use of redundant farm buildings to Class B1 (a) and B1 (b) with ancillary communal kitchen and meeting room together with alterations to buildings, provision of parking and landscaping plus the demolition of a Dutch Barn. The permission was granted on the 17th December 1998 on the basis of amended plans dated 20th February 1998.

By reference to the Council's planning file, the approved layout plans appear to be Drawing No. 164/PL01/A. A copy of the permission notice and the approved plan with the Council's stamp upon it is attached at **APPENDIX 1** to this letter. Works commenced in about May/June 2000 on the first phase of the conversion works which was to the building marked on the approved layout plan as incorporating Units 9, 10, meeting room and ancillary facilities.

During the conversion works certain changes were made to the internal layout of this particular building and these changes were approved by the Council under the Building Regulations on the 26th July 2000. A copy of the Building Regulation approval is attached as **APPENDIX 2** to this letter.

However, it would appear as if the changes, which were internal only, did not receive a separate approval as an amendment or variation to the planning permission.

The conversion works were completed about the end of October 2000 having been inspected throughout by Sevenoaks Building Control.

Mr & Mrs Lovegrove moved the farm offices, the boardroom and installed the gym and ancillary facilities in early 2001.

The building has been used for B1 (a) purposes (now Class E) continuously since this time. The internal layout of the building has also remained unchanged since the end of October 2000 through until the present day.

Attached as **APPENDIX 3** to this letter is a Statutory Declaration by Mrs Ronnie Lovegrove confirming this to be the position.

Relevant Guidance

The relevant statutory Framework for this application is set out in Section 191 of the Town & Country Planning Act 1990. The burden for providing sufficient information and evidence is on the applicant and the relevant legal test in respect of the application is the '*balance of probability*'. The NPPG advises that 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, then there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability.

Assessment

Although planning permission was granted for the change of use of the building that is the subject of this application for office purposes with ancillary facilities in 1998, it appears as if the development was not undertaken fully in accordance with the approved plans with a number of relatively minor alterations to internal layout having been made during the course of implementation of the permission. However, the use of the building in the manner shown on the application plans as offices with ancillary facilities has been continuous for the last 21 years and the use still subsists today. This is confirmed in the Statutory Declaration that has been made by Mrs Lovegrove, who has first-hand knowledge.

In my view, the evidence from Mrs Lovegrove is sufficiently precise and unambiguous to justify the grant of a Certificate without the need for further corroborative evidence from others although this is available.

In the circumstances, the balance of probability is clearly that the building has been used for offices in the current internal configuration for more than the last 10 years.

In my view, a Certificate of Lawfulness of Existing Use and Development should, therefore, be issued.

Yours sincerely,

John Escott

John Escott
ROBINSON ESCOTT PLANNING