

15th November 2021

Planning Growth and Sustainability Directorate
Buckinghamshire Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Our Ref: 937
Planning Portal Ref: PP-010274536

Dear Sir,

The Granary, Reads Lane, Cublington LU7 0LE
Certificate of Lawfulness for existing use of The Studio building as separate dwelling

On behalf of our clients Mr and Mrs Reilly, we have today submitted an application for a Certificate of Lawfulness of existing use under section 191 of the Town and Country Planning Act 1990 (as amended).

The application comprises the following documents:

- Application forms and ownership certificate, duly completed;
- This letter;
- Site Location Plan, drawing RHC-401;
- Statutory Declaration by Mr and Mrs Reilly including site plan reference RHC-401;
- Record of rental deposits with www.mydeposits.co.uk ;
- Invoices for deposit protection from mydeposits for all tenants;
- Deposit Renewal for Scott McNealy (November 2021);
- Reference for Kye Bass;
- Tenancy Agreement for Alan Hatwell;
- Tenancy Agreement for Mark Kalinowski;
- Tenancy Agreement for Scott McNealy (December 2020);
- Tenancy Agreement for Scott McNealy (April 2021); and
- The application fee, being **£462.00**.

Please confirm receipt of the application and fee in due course.

Application Site

The Granary is a detached dwelling located on the south side of Reads Lane in Cublington. The residential curtilage extends to Reads Lane to the north and includes two detached buildings; a garage and The Studio which is the subject of this application. There is a further area of residential curtilage

on the south side of the dwelling. The vehicular access leads into the site from Reads Lane, down a long driveway to a shared parking/turning area for The Granary and The Studio.

This application relates to The Studio which is a single storey detached building, originally constructed as a garage to serve The Granary. In 2012 planning permission was granted to convert the garage to an annex with a front extension, under reference 12/00338/APP.

The Granary was formerly designated as a grade II listed building but was de-listed in 2011. The Old Stables to the west of the site is a grade II listed building. The site is located within the Cublington Conservation Area.

Background and Planning History

The planning history for the site is set out below.

Reference	Proposal	Decision
81/00696/AV	Granny Annex	Withdrawn
87/01188/APP	Extension to garage to provide playroom/cloakroom	Approved 28/08/87
87/01189/ALB	Proposed extension to provide ground floor playroom and cloakroom	Withdrawn
89/03022/ALB	Extension to dwelling	Approved 15/02/90
89/03023/APP	Extension to dwelling	Approved 15/02/90
95/00930/ALB	New window and door canopy fireplace alterations	Approved 10/07/95
01/02160/APP	First floor side extension and erection of carport/garage with covered walkway	Approved 19/10/01
01/01868/ALB	First floor side extension and erection of carport/garage with covered walkway	Approved 19/10/01
06/00680/APP	Two storey side extension	Refused 25/05/06
06/00681/ALB	Two storey side extension	Refused 25/05/06
10/02259/APP	Conversion and extension of detached garage to provide residential annexe	Refused 24/02/11
11/00319/APP	Detached garage with log store and tarmac hardstanding	Approved 01/07/11
12/00338/APP	Conversion of garage and front extension to create annexe	Approved 10/04/12
14/02622/APP	Single storey rear infill extension	Approved 17/11/14

In February 2012 a planning application was submitted for 'Conversion of garage and front extension to create annexe' under reference 12/00338/APP. This sought permission to convert the existing

double garage to a one bedroom annex with en-suite bathroom, and open-plan kitchen/living area. A small extension to the front was included to create a glazed entrance. The conversion works and front extension were completed in 2014.

The annex was required at the time of the planning application being made, to provide accommodation for an elderly relative. Planning permission was granted on 10/04/12 subject to a condition that the annex should not be used or occupied for any purposes other than as ancillary to the residential use of the property on the site (The Granary).

Following the approval of planning application 12/00338/APP, the care requirements of the Applicant's relative changed and there was no longer any need for the annex accommodation. The building was subsequently rented out as a separate dwelling known as 'The Studio' from 1st October 2016. The property continues to be rented out as a separate dwelling.

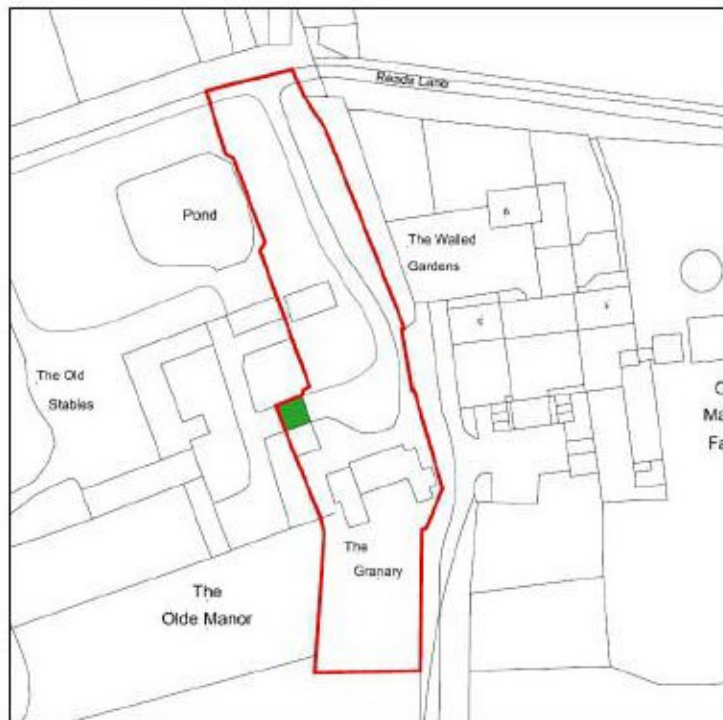
In August 2021 the Council invited Mr and Mrs Reilly to submit an application for a Lawful Development Certificate for existing use of The Studio as a separate dwelling.

Section 191 of the Town and Country Planning Act (as amended)

This application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 (as amended) in respect of the existing use of The Studio building as a separate dwelling. The grounds for making the application are that the use of The Studio building as a dwelling began more than 4 years before the date of the application.

Evidence to Support Application

This application seeks a Lawful Development Certificate in respect of the existing use of The Studio building as a separate dwelling. The Studio is shown in green on the site location plan below.



Evidence of the use of The Studio building for a continuous four year period prior to the submission of this application is explained below.

The Studio was first rented out as a separate dwelling on 1st October 2016. All of the tenancies for The Studio between 1st October 2016 to present are set out in table 1 below.

Tenants name	Start date	End date
Kye Bass	01/10/2016	29/09/2018
Alan Hatwell	03/12/2018	10/03/2020
Mark Kalinowski	28/04/2020	22/12/2020
Scott McNealy	22/12/2020	15/03/2021
Scott McNealy	30/4/2021	to present

Table 1: Tenant details for The Studio

The Applicants Mr and Mrs Reilly as landlord are legally obliged to register the deposit received from the tenant into a safeguarding scheme, and this is administered through www.mydeposits.co.uk which is a government authorised tenancy deposit protection scheme. Records of each of the tenant's deposits are included with this application as evidence.

The tenancy information in table 1 above highlights that there are three breaks between periods of occupation. The breaks between tenancies were due to the Applicants searching for new tenants. A longer break occurred in 2018 which was due to the property being redecorated and a new heating system being installed. The breaks were for brief periods and can be regarded as 'de minimis'. The building was not used for any other purpose during these periods between occupation. Therefore the continuous use of The Studio as a single dwellinghouse has been demonstrated.

The building has remained in continuous use as a single dwellinghouse since 1st October 2016 and this is confirmed in the accompanying statutory declaration signed by Mr and Mrs Reilly. The Studio continues to be occupied by Scott McNealy.

Summary

Our client seeks a Lawful Development Certificate for use of The Studio building as separate dwelling.

This letter provides an explanation of the background to the site and the documents which form the evidence to support the application. The evidence includes a statutory declaration by the Applicants, witnessed by Sophie Mortimer (Barrister).

The submitted evidence demonstrates that the building coloured in green on the site location plan was used as a separate dwelling continuously for a period exceeding 4 years prior to the date of this application.

I trust the information contained within this application is sufficient to enable a Lawful Development Certificate to be granted, however please contact me directly should you require any further information or clarification.

Yours sincerely



Jennie Harris MRTPI
Associate