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Dear Sir or Madam

**Town and Country Planning Act 1990
The White Hart Inn, Weston-In-Gordano, Bristol, BS20 8PU
Application for Certificate of Lawfulness (Existing Use or Development)**

On behalf of our client, Tavern Propco, we hereby enclose an application for a Certificate of Lawfulness for Existing Use or Development submitted pursuant to Section 191 of the above Act.

This Certificate of Lawfulness application seeks to confirm that external structures associated with the lawful use of the White Hart Inn, an established pub use falling within Use Class A4 (Drinking Establishment), have been erected and in use for over four years relating to the use of the pub. This detailed supporting covering letter summarises the content of the application and demonstrates why a certificate should be issued.

Description of Certificate of Lawfulness

This application seeks a Certificate of Lawfulness for Existing Use or Development with the following description of the proposal:

Certificate of Lawfulness for Existing Use or Development for external structures to the rear of the White Hart Inn public house as shown on drawings: Existing Plans and Elevations (Ref: P0552-001); Existing Roof Plan (Ref: P0552-003); Existing Block Plan (Ref: P0552-004); Existing Elevations (Ref: P0552-005); Existing Elevations (Ref: P0552-006).

Relevant Background

The White Hart Inn is a Grade II Listed building comprising an eighteenth century public house with a number of nineteenth and twentieth century additions and alterations. A listed building consent application (LPA Ref. 15/P/1038/LB) was submitted by the previous occupants (Enterprise Inns PLC) and approved in July 2015 with the following description of development:

“Internal and external alterations to include: erection of a single storey extension on the yard rear/south elevation to include 2no. rooflights following the demolition of the existing toilet block, erection of a new entrance lobby and existing decking extended with ramped access and canopy over on the east elevation, new staircase to provide access to first floor, replacement kitchen to include a new extraction system, change the use of the existing outbuilding to the rear to create a bakery, convert the adjoining store to create an additional bar, remove the existing patio area and create a new seating area adjacent to the rear outbuilding, partial change of use of upstairs flat to private dining area and staff room and staff bedroom. Alterations to access and car park”

The above consent was implemented and the internal and external alterations were completed. However, additional external structures to the rear of the building were erected at the same time in summer 2015

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Additional External Structures

The additional structures to the rear of the public house building are a combination of various timber framed structures providing extensive undercover areas. The structures are constructed from timber columns supporting timber joists, roof decks and mineral felt roofing.

These external structures are detailed on the accompanying plans listed below:

- n Site Location Plan (Ref: P0552-002)
- n Existing Plans and Elevations (Ref: P0552-001)
- n Existing Roof Plan (Ref: P0552-003)
- n Existing Block Plan (Ref: P0552-004)
- n Existing Elevations (Ref: P0552-005)
- n Existing Elevations (Ref: P0552-006)

As shown on the supporting plans, the structures located south of the existing White Hart Inn public house main pub building with masonry extensions are structures erected beyond those permitted by the approved 2015 permission. These structure are used as an extension of the existing pub use (Use Class A4) by providing outdoor space for use by patrons.

The evidence provided in the latter sections of this supporting evidence covering letter demonstrate that the structures were under construction in summer 2015 whilst the 2015 permission (LPA Ref: 15/P/1038/LB) was being implemented with the constructions of some external alterations and internal amendments. The structures were completed and in use before summer 2016.

The structures to which this Certificate of Lawfulness application relates have been constructed for more than four years and are clearly visible from the public highway. There has been no attempt to conceal them. The buildings have been in active use associated with the established pub use for over four years.

Importantly, the structures are not physically attached to the listed building. Therefore, a Certificate of Lawfulness of Existing Use or Development can be granted. It is not necessary to apply for listed building consent for these external structures erected and in use for more than four years as they are not connected to the listed building.

Relevant Legislation

Section 191(1)(a) of the TCPA 1990 provides that if any person wishes to ascertain whether any existing use of buildings or other land is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

Section 191(2) of the TCPA 1990 provides that for the purposes of the Act uses and operations are lawful at any time if—

- (a) no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement 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.

Section 191(3A)(a) of the TCPA 1990 sets out that In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired.

The relevant time limits are found within Section 171B(1) of the TCPA 1990, which provides that where there has been a breach of planning control consisting in the carrying out without planning permission of building, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

Section 191(4) provides that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect.

With reference to the above legislation, this application demonstrates that no enforcement action may be taken in relation to the usage of the associated structures as an extension of the established use of the White Hart Inn public house because as this application will demonstrate, the structures to which this application relate have been used continuously under Use Class A4 use, for a period of more than four years from the time they were substantially completed.

Evidence Submitted

As discussed, for the current use to be lawful and immune from enforcement action, the associated buildings must have been in use continuously without interruption associated with the established A4 Use (public house), for a period of at least four years.

This application demonstrates that the associated buildings have been used for A4 Use in association with the established pub use and that a Certificate of Lawfulness of Existing use or Development should be granted. The following evidence in support of the application is submitted:

- n **Figure 1:** Extract from Google Maps showing the site and no structures erected in June 2014.
- n **Figure 2:** Google Maps extract showing the external structures being erected in September 2015.
- n **Figure 3:** Extract from Google Maps with the external structures substantially completed in July 2016.
- n **Figure 4:** A Google Map extract from March 2021 showing the structures in use for more than four years since they were erected prior to July 2016.
- n **Figure 5:** Photographs of the structures take in January 2022.

Presentation of the Evidence

The extract of Google Street View provided at Figure 1 below demonstrates that the external structures subject to this application were not constructed prior to June 2014.

Figure 1: Extract of Google Street View – June 2014



Figure 2 clearly shows construction works being undertaken at the site following the approval of planning permission in 2015 (LPA ref. 15/P/1038/LB). The external structures subject to this application can also be seen under construction.

Figure 2: Extract of Google Street View – September 2015



Figure 3 shows the site after the completion of construction works in July 2016. At this point in time, the external structures are more than 'substantially completed' and are fully erected and used in association with the White Hart Inn public house.

Figure 3: Extract of Google Street View – July 2016



Figure 4 provides the most up to date visual of the site from Google Street View, showing the White Hart Inn pub with the external structures in place and for use in association with the pub use.

Figure 4: Extract of Google Street View – March 2021



Figure 5 is a photo taken of the structures from within the site in January 2022. This demonstrates the structures have been erected and in use associated with the public house for more than four years.

Figure 5: Photo of the external structures taken January 2022



It is clear from the above images that the structures were built out alongside, however not within the remit of, the approved 2015 permission and completed prior to July 2016. Therefore, the structures have been in use with no attempt of concealment for at least six years, therefore surpasses the four year time limit set out within Section 171B(1) of the TCPA 1990.

Conclusion

As the Government's National Planning Policy Guidance (Paragraph: 006 Reference ID: 17c-006-20140306) confirms, *"In the case of applications for existing use, 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, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."*

The submitted evidence summarised above is sufficiently precise and unambiguous in demonstrating that the structures, erected without the necessary planning permission, have been in continuous use associated with the established White Hart Inn pub use for a period in excess of four years as required by Section 171B(1) of the TCPA 1990. As such, no enforcement action may be taken and we invite the council to issue a Certificate of Lawfulness of Existing Use or Development confirming that the lawful planning use of the structures is for drinking establishment purposes falling within Use Class A4 of the Town and Country Planning (Use Classes) Order.

The accompanying plans demonstrate the extent of the structures and can be listed on a Certificate for certainty of the extent to which the Certificate would apply.

We trust the above is clear but please do not hesitate to contact either Michael O'Driscoll (michael.odriscoll@savills.com) / +44 (0) 797 703 0120 or myself of this office at any time if further information is required.

Yours faithfully



Gregory Evans MRTPI
Associate

Enc. Plans enclosed as listed