

VINE HOUSE, 1 & 2 FACTORY YARD
(REAR OF 178 UXBRIDGE ROAD), HANWELL, LONDON, W7 3UG.

BACKGROUND AND TIMELINE

LAWFUL DEVELOPMENT CERTIFICATE APPLICATION
FOR COMMENCEMENT OF
“CONVERSION INTO 6 RESIDENTIAL UNITS WITH PARKING”
APPROVED UNDER APPLICATION P2002/2301 ON APPEAL.

Planning permission was originally sought under planning application Ref. No. P2002/2301 for conversion of Vine House into “6 Residential Units with Parking”, and permission was subsequently granted on Appeal in 2003 following a Hearing held on 25th March 2003 (Appeal Ref. No. APP/A5270/A/02/110358) (copy of decision letter attached).

This permission was subsequently extended by permission P/2009/4364 until 6th July 2013 (3 year condition) (copy attached).

Reserved Matters subsequent to the original permission were granted as follows:-

Ref. No. P/2006/2004 for, “Details of revised car-parking layout, including at least one space suitable for car users with disabilities; pedestrian access to each of the residential units; provision for bicycle parking; hard surfacing materials; and proposed planting pursuant to condition 4 attached to outline planning permission ref: P/2002/2301 dated 25/04/03 for ‘conversion into 6 residential units with parking’, Condition 4 (copy attached).

Ref. No. P2006/2017 - Refuse Storage, Condition 5.

Ref. No. P/2006/1727 - Design and external appearance and Landscaping Condition 2.

The works which were carried out in June 2013, in accordance with P/2006/2004, (pursuant to Condition 4 of the original permission (P2002/2301) were specifically undertaken as the first stage in the commencement of the implementation of the permission and were done with the specific intention of starting the development to keep the planning permission extant before its expiry on 6th July 2013.

The works comprised the laying out of the parking spaces and access to them and the landscaped areas in accordance with drawing No. 201/P01 (attached) which was the approved plan for the reserved matters under application Ref. No. P/2006/2004, further to the original permission Ref. No. P2002/2301. These are the parking spaces that exist on the site today.

As set out in the Town and Country Planning Act 1990 (S56) these works would constitute sufficient material operations to comprise commencement, which therefore keeps the planning permission alive and extant. Particularly, as in this case, where a building is being converted, therefore the operational development is largely external.

After the parking, access and landscaping areas work was carried out the applicant had an offer from the existing tenant at the time, a charity, (EACH) to continue to occupy the building for a further period of time and this option was taken in the knowledge that the permission for the conversion to 6 residential units with parking was secured and extant due to the commencement works that were undertaken. The intention was always to implement that permission but the start was delayed due to letting the building to the charity. The charity (EACH) has now vacated the building.

Therefore, this application seeks a Lawful Development Certificate to confirm that the works carried out constitute commencement of the development for “Conversion into 6 residential units with parking” which can now be implemented lawfully.

Case law has established that the threshold for what is deemed to be material operations is low and in this case the works carried out by the applicant are significant and material and part of the original permission description and definitely constitute sufficient material operational development to comprise lawful commencement of this development.

Indeed Section 56 of the Town and Country Planning Act 1990 states at (4) (d) that ,“for the purposes of this Act development of land shall be taken to be initiated (a) if the development consists of the carrying out of operations, at a time when these operations began”. Furthermore, one of the examples given at (4)(d) states, “any operation in the course of laying out or constituting a road or part of a road” comprises commencement. The access and parking areas created for this development certainly fits that criteria along with the other operational development.

In conclusion, the original planning permission was for “Conversion into 6 residential units with parking”. The parking was carried out in accordance with the approved plan (Reserved Matters application P/2006/2004 drawing No. 201 Rev P01) within the specified timescale and therefore the planning permission P2002/2301 remains extant and can now be fully implemented. The Lawful Development Certificate is therefore sought to confirm this fact.

Attached to this application are the following supporting documents and documents of proof:-

- Copy of Appeal Decision and Conditions (APP/A5270/A/02/110358).
- Copy of Renewal Planning Permission P/2009/4364 with conditions.
- Letter from contractor (Roger E. Simmonds) confirming work undertaken, dated 23rd November 2023.
- Invoice from contractor (Roger C. Simmonds) dated 7th June 2013.
- Invoice from contractor (Roger C. Simmonds) dated 14th June 2013.
- Invoice payment confirmation by owner from Barclays Bank dated 11th June 2013.
- Copy of drawing No. 201 Rev P01 approved on 15th February 2008 (P/2006/2004).
- Copy of conversion layout drawing No. 2037/1/Rev A approved under P2002/2301, including location plan.
- Reserved Matters approval decision notice Ref. No. P/2006/2004.
- Photographs of car parking and landscaped areas taken on 8th November 2023 by Graeme Walker (Applicant’s Agent).

Please let me know if you need any further details or information.

Graeme Walker
December 2023