
Site Address:	82 Jubilee Road, Waterloooville, PO7 7RE		
Proposal:	Certificate of Lawfulness Application relating to existing use as D1 - non-residential institution.		
Application No:	APP/19/00874	Expiry Date:	29/10/2019
Applicant:	Mr Brown Outcomes First Group		
Agent:	Mr Winzar Axis Architecture Ltd	Case Officer:	Lesley Wells
Ward:	Waterloo		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

The site is located within an industrial area with residential development to the south and east. The site rises slightly to the rear. The building is single storey, with a pitched roofed, with a flat roof single storey element to the front. The vehicular access is off Jubilee Road to the front of the premises, as is the off-road parking.

2 Planning History

APP/19/00832 - Replace existing window opening with smaller window and door, new steps and ramped access, enabling Hillcrest Jubilee School to use former day centre as additional classrooms and offices., DEL,

3 Proposal

The application is for a Certificate of Lawfulness relating to an existing Class D1 use - non-residential institution.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

None.

Havant Borough Local Plan (Allocations) July 2014

None.

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gwen Robinson

None.

Councillor Mike Sceal

None.

Councillor Peter Wade

None.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

7 Legal Considerations

- 7.1 The application is for a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990, for an existing use of the premises as Class D1 use, non residential institution. The onus is on the applicant to provide sufficient information to support the application and the test is the balance of probabilities, as per the advice in the Planning Practice Guidance.

Planning permission was granted under reference 12982/2 for the erection of a hall at 82 Jubilee Road, Waterloooville on 13 August 1963, for the Waterloooville Congregation of Jehovah's Witnesses (Class D1 use). According to the agent, as far as she is aware "... this permission was implemented and there has been no subsequent application for a change of use, therefore the likely authorised use of the premises is Class D1 (non residential institution)."

On 23 July 2019, the Local Planning Authority (LPA) wrote to a third party confirming that planning permission was granted for a hall on the site in 1963, that the application appeared to have been implemented and that there had been no subsequent application for a change of use. In view of this "...the likely authorise use of the premises is Class D1...".

On 21 October 2019 planning permission was granted for 'Replace existing window opening with smaller window and door, new steps and ramped access, enabling

Hillcrest Jubilee School to use former day centre as additional classrooms and offices', under reference 19/00832. At that time of determining the application the building was in a Class D1 use, as was its intended use.

From the evidence before the LPA, the 1963 planning permission was granted for a Class D1 use and since that date the LPA has no information, that this use was not implemented, or that this use may have materially changed and gained immunity through such a change of use. Therefore, on the balance of probabilities, the lawful use of the premises, known as 82 Jubilee Road, is a Class D1 use (non residential institution).

8 Conclusion

Based on the evidence before the LPA, on the balance of probabilities, the lawful use of 82 Jubilee Road is a Class D1 use (non residential institution).

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/19/00874

Havant Borough Council, as Local Planning Authority, certifies that on 27 January 2019 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted Location Plan (date stamped 3 September 2019 and titled site and location plan) would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The Council is satisfied that based on the application and submitted details that the site has a Class D1 (non residential institution) lawful use of the site and a planning application is therefore not required.

FIRST SCHEDULE:

Application for a Certificate of Lawfulness of Existing Use pursuant to Section 191 of the Town and Country Planning Act 1990 and given the Council's reference number APP/19/00874, for use of the site as a Class D1 use (non residential institution) in accordance with the application, supporting documents and drawing with reference 19-050 - 100 received 3 September 2019.

SECOND SCHEDULE:

This certificate relates to land at 82 Jubilee Road, Waterloooville PO7 7RE as shown edged red on the submitted Site and Location Plan, drawing number 19-50 -100, received 3 September 2019.