

26th February 2024

Dear Sir/Madam,

**APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT
(EXISTING) AT 9-10 SOUTH TERRACE, LINCOLNSHIRE, BOSTON,
PE21 6BA**

This cover letter is part of a formal application for a Lawful Development Certificate (LDC) to confirm the existing lawful use of 9-10 South Terrace, Boston, Lincolnshire, PE21 6BA. The site is identified on the submitted title plan and includes the land and property that comprises the dwelling.

Planning Context and History

The property 9-10 South Terrace property has been used as social housing accommodation for over twenty years, supporting vulnerable individuals to provide sheltered housing and temporary accommodation with ten households living together.

The property has been owned by charitable status institutions for the last twenty years and is dedicated to HMO housing for vulnerable individuals. The property's ideal location further enhances its significance within the community, providing easy access to essential services and resources for its residents.

The property has not been used for any single household dwelling, and it is intended the property will continue to be used as a ten-bedroom HMO (as has been the case for over 20 years).

Chronology

Year	Descriptions
Jun 2002 - Aug 2022	HMO provides temporary and supported accommodation for multiple occupants.

Residents

Hundreds of individual households have lived at the property during the twenty years of its use. Many of these individuals are protected groups; hence, we have redacted their personal details. However, there is significant public information and electoral register information on the multiple occupants who have resided at the property at the same time, demonstrating its continuous use as an HMO.

We also believe a review of the council's own records will confirm the same to be true.

Year	Occupants
Jun 2002 - Aug 2022	<div style="background-color: black; width: 100%; height: 100%;"></div>

Supporting Evidence & Application Submission

This application is supported by detailed evidence confirming that the use class has been continuous for more than ten years. This use class has, in fact, been continuous for a far longer period than twenty years, as is clear from the submitted materials.

In addition to this letter, I have supplied the following documents, which comprise the supporting evidence for this application:

1. Title Plan;
2. Property Registration: The property is registered on Homeless England as a shelter under the legal name of Framework HA - 9-10 South Terrace, indicating it comprises 26 spaces with shared kitchen and bathroom facilities. Find link here:
<https://homeless.org.uk/homeless-england/service/framework-ha-9-10-south-terrace/>
3. Property Listing: The property is listed as an HMO Sheltered Housing unit in Boston over multiple internet searches using the Wayback machine to search internet archives (<https://archive.org/web/>) and review twenty years of search histories.
4. Community Service Provider: The property is identified as a community service provider under the legal name of St. Matthew Society, operating as a non-profit organisation from 2002 to 2024:
<https://homeless.org.uk/homeless-england/service/framework-ha-9-10-south-terrace/>
5. The property is recognised on the planning portal, the post office and all other address protocols and 'St Matthews Housing' provides housing for twenty-six individuals with ten to twelve rooms.
6. Video and photographic evidence supporting the property's current and historical use as a House in Multiple Occupations (HMO).

This application and the required fee have been submitted via the Planning Portal.

Legal Framework

This submission is made pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended). Specifically, paragraph 2(a) to Section 191 states:

*“For the purposes of this Act uses and operations are lawful at any time if—
no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)”*

Section 171B (Time Limits) of the Town and Country Planning Act 1990 introduces statutory time limits for the undertaking of enforcement action by a local planning

authority. Paragraph 3 of the aforementioned section sets the relevant timescale pursuant to this application at ten years.

Assessment of Evidence

The application is accompanied by clear documentary evidence of the continuous use of the premises as an HMO. To provide a clear and detailed picture of the uses, I have provided a series of videos and photographs to show how the spaces, inside and outside, have been used as an HMO.

Conclusions

This submission is made under the Town and Country Planning Act 1990: Sections 191 and 192 as amended by Section 10 of The Planning and Compensation Act 1991, and the Town and Country Planning (General Development Procedure) Order 1995. This application seeks to confirm the existing use of 9-10 South Terrace, Boston, Lincolnshire, PE21 6BA. The LDC for an existing use should be granted as the use began more than ten years before the date of this application.

The evidence provided clearly demonstrates that the use for which the LDC is sought has been continuous for a period of at least ten years. This is the statutory hurdle for the application, but it is self-evident that the use has been continuous for a considerably longer period. I kindly ask that an LDC be granted within the requisite determination deadline.

I trust that the documentation presented supporting the application proposals is clear and sufficient to register this application as soon as possible. Should you require any further information or any queries associated with the application documentation, I would be grateful if you could contact us.

Yours sincerely,

Ola Alegbe

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