



Bath Heritage Watchdog

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APPLICATION NUMBER: 17/06221/CLEU

ADDRESS: University of Bath

PROPOSAL: Change of use of Floors 4-9 from student accommodation (Use Class: Sui Generis) to offices (Use Class: B1a) (Certificate of Lawfulness of Existing Use).

CASE OFFICER: Martin Almond

DATE: 21 December 2017

COMMENT: OBJECTION

Bath Heritage Watchdog objects to this application.

It was noted that despite the Application Form quoting Section 191 of the Town and Country Planning Act 1990, the Planning Statement makes no reference to that Section in its Planning Law summary. It does admit that the change of use of Wessex House should have had the benefit of planning permission and such permission was not sought. It then relies on Section 171 which states that the limit for enforcement is 10 years.

It was also noted that the attendance of several councillors at the 1998 meeting and one councillor at the 2000 meeting is offered as supporting evidence. Nevertheless, none of those named had any responsibility for planning or planning enforcement. They cannot be expected to recognise the significance of capital expenditure on Wessex House being associated with a breach of planning controls. Furthermore, although Appendices 1-4 are quoted as providing evidence, they are not provided as part of the planning application, so neither we nor the Case Officer has the opportunity to study them to read the evidence that is claimed to be shown.

Under such circumstances, Section 191 (4) becomes relevant. It states:

If, on an application under this section, 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, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Therefore by default the application as presented, lacking evidence, must be refused. However, on the assumption that the Appendices as quoted can be supplied on request and no decision can be based solely on their current non-availability, we considered other evidence whether the lack of an application for change of use was an oversight or a rather cavalier approach to planning. It seemed appropriate to look for other indications.

As student accommodation, Wessex House would have been exempt from Council Tax. As a registered charity the University of Bath qualifies for reductions rather than exemptions from other payments (the UK Government website advises "*Charities and community amateur sports clubs can apply for charitable rate relief of up to 80% if a property is used for charitable purposes*"). There should therefore be some evidence within the accounts that with the conversion of student accommodation to offices, some payment towards business rates for the office accommodation would have been made. With the emphasis on the ten-year threshold for a CLEU application, the full Financial Statement for 2009-2010 was studied in detail. There is no reference anywhere in that record of any liability for Business Rate payments. The same examination of the 2011-2012 accounts showed the same omission. Therefore for an application raised in 2017 there is no corroborative evidence that the ten year window had been lawfully exceeded.

The conversion of student accommodation to offices without the payment of Business Rates for those offices, is not lawful. On the basis that there is no evidence of lawful existing use over the previous 10 years, the Town and Country Planning Act 1990 Section 191 authorises the refusal of this application.