HUNTINGDONSHIRE DISTRICT COUNCIL

25/00744/CLED

OFFICER REPORT

Case No: **25/00744/CLED** **Certificate of existing lawful use**

Proposal: **Enterprise House, adjacent to The Laburnhams, has been used by Pro Care UK as a commercial office (Class E) for in excess of 10 years.**

Location: **Enterprise House Bluntisham Road Needingworth**

Applicant: **Mr David Reynolds**

Grid Ref: **534871 272847**

DESCRIPTION OF SITE AND APPLICATION

The application is for a Certificate of Existing Use to confirm whether Enterprise House has been used as a commercial office (Class E) for in excess of 10 years. The grounds the certificate is being sought is the use began more than 10 years before the date of this application (validated 23.04.2025). The application pertains building known as Enterprise House, Bluntisham Road, Needingworth, St Ives, PE27 4TA

The application seeks to establish that 'the land and property known as Enterprise House, Bluntisham Road, Needingworth, PE27 4TA has been used as a single commercial office (Class E) for more than ten years before the date of this application'. The applicants claim the submitted statement and accompanying evidence establishes that the commercial use (Class E) has occurred on site for a period exceeding 10 years and should be recognised as the lawful use of the site in accordance with Section 191 of the Town and Country Planning Act 1990.

The application is supported with the following information and consists of:

- Application form
- Planning Statement
- Statutory Declaration
- Invoices from Doves Hygiene Services
- Invoices from aql
- Invoices from Daisy Communications
- Data Protection Registration Certificate
- Huntingdonshire District Council Valuation
- Insurance Company information
- Site location plan

Information available to the Local Planning Authority (LPA):

- Planning History of the site and any associated communication
- Aerial and Street level Imagery
- Building Control Applications
- Companies House

LEGISLATION

Schedule 2, Part A Commercial, Business and Service of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Section 191 of the Town and Country Planning Act 1990: Certificate of lawfulness of existing use or development

Section 171B of the Town and Country Planning Act 1990: Enforcement Action Time limits

NATIONAL GUIDANCE AND PLANNING POLICIES
The planning merits are not for consideration in this case as this application is determined solely on the basis of whether the submitted evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

PLANNING HISTORY
9700924FUL-Change of use from residential to office & residential- Permitted 13.08.1997

8600609FUL-Extension to dwelling, garage and restoration of cottage as annexe to dwelling- Permitted 04.06.1986

8000199OUT-Use of existing building as a dwelling derelict cottage - Refused 10.03.1980

7601127OUT- Erection of a dwelling- Refused 22.11.1976

CONSULTATIONS
Parish Council- No objection.

REPRESENTATIONS
This application is determined solely on the basis of whether the submitted evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

SUMMARY OF ISSUES
Relevant parts of the Town and Country Planning Act 1990 are as follows:

The Local Planning Authority (LPA) can grant a certificate confirming whether an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990. If the LPA is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate. Where an application has been made under section 191, the statement in a lawful development certificate of what is lawful relates only to the state of affairs on the land at the date of the certificate application.

Planning Practice Guidance on Lawful Development Certificates advises that applications must be accompanied by sufficient factual information and evidence for a Local Planning Authority to decide the application and advises that without sufficient or precise information, a Local Planning Authority may be justified in refusing granting a certificate.

The "lawfulness" of proposed development for lawful development certificates is set out in the statutory framework of Section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

An LPA can issue a certificate on the balance of probability if the applicant's evidence alone is sufficient, precise, and unambiguous to justify the grant and has no evidence itself, nor any from others to contradict or otherwise make the applicant's version of events less than probable.

Section 171B of the Town and Country Planning Act 1990 sets out a series of statutory time frame for which enforcement action cannot be taken against breaches of planning control. In this particular case, the grounds the certificate is being sought is the use began more than 10 years before the

date of this application. This is otherwise known as the 'ten-year test' as set out in Paragraph 1(a) of Section 171B of the Town and Country Planning Act 1990.

Paragraph 1(a) of Section 171B of the Town and Country Planning Act 1990 states
"Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—
in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed"

The issue to consider:
The main issue is whether, on the balance of probabilities, the land and property known as Enterprise House, Bluntisham Road, Needingworth, PE27 4TA has been used as a single commercial office (Class E) for more than ten years before the date of this application.

This assessment will consider the following criteria:

- Submitted Evidence of Existing Use
- Information available to the Local Planning Authority
- Legal tests

Submitted Evidence of Existing Use
*Statutory Declaration
A Statutory Declaration signed by the applicant (company director) and dated the 14th February 2025 accompanies this application. The applicant declares that they are the company director for Procare Cleaning Management Ltd, Procare Cleaning Management, PCM Franchise Services Ltd, John Davis Services Ltd and formerly operated under the trading entity DPR services until it merged into Procare Cleaning Management Ltd. The applicant states the above business ventures have been operating from the building known as 'Enterprise House' since the building was converted into an Office in 1998.

The Statutory Declaration includes various exhibits for which each exhibit will be assessed in turn below.

Statutory Declaration Exhibit DR04- Various letters addressed to the commercial business ventures operating from 'Enterprise House'

- Letter from barrelison dated 28 October 2002 and addressed to the applicant at Enterprise House.
- Letter from the service provided by BT dated the 8 Oct 2002 regarding the direct debit for DPR Services addressed at Enterprise House.
- Letter from East Midlands Newspaper Limited dated 10 Feb 2003 regarding a refund to Procare and addressed to Enterprise House.
- Exhibit DR04 demonstrates that DPR Services and Procare operated from Enterprise House between 8 October 2002 and 10 Feb 2003.

*Huntingdonshire District Council Valuation
Statutory Declaration Exhibit DR02- Business rates email from Huntingdonshire District Council dated 24 April 2024.

Email from HDC employee confirms that 'Enterprise House' was first commercially rated by the Valuation Office on 5 Jan 1998 and details the subsequent revised rateable value between 5 Jan 1998 and 31 Mar 2023. The email from the LA employee states the property has remained in the local rating list since 5 Jan 1998.

The evidence above demonstrates the building subject of this application has been on the Council's local business rating list and has remained on the list for a continuous period between 5 Jan 1998 and 31 Mar 2023.

Officers have also independently contacted the Senior Business Rates Officer. The Business Rates Officer has confirmed the Council have the premises under the liability of: Procare Cleaning Management (London) Ltd from the 5th of January 1998. The Valuation Office Agency has the premises rated from 2023 to present and the business rates department have not been informed that the building has been used for any other purpose.

In addition, the Senior Business Rates Officer confirmed the Council received business rates payments from Procare Cleaning Management (London) Ltd between 1998 to 2010. The Officer explained that the business benefited from the small business rates relief and therefore were eligible for a 100% reduction since 2010. Whilst Procare Cleaning Management (London) Ltd have no business rates to pay they still remain liable.

The evidence above demonstrates the building subject of this application has been on the Council's Business Rates Register, the business has remained on the local business rate list for a continuous period between 5 Jan 1998 until the 23 April 2025. In addition, the evidence demonstrates the Council received business rates payments from the business for a continuous period between 1998 to 2010.

*Data Protection Registration Certificate
Statutory Declaration Exhibit DR03- A Data protection registration certificate for PCM Franchise Services Ltd.

Registration of Data protection registration certificate for PCM Franchise Services Ltd dated the 23 Oct 2000 addressed to Enterprise House. Registration expired the 22 Oct 2024. For a continuous period of 24 years PCM Franchise Services Ltd operating has had data protection registration at the address 'Enterprise House'.

This application was validated 23 April 2025 and the submitted evidence under Exhibit DR03 only goes up to 22 Oct 2024. Therefore, this evidence is unable to demonstrate that the building has been used as a single commercial office (Class E) for more than ten years before the date of this application given there is a 6-month period whereby Data Protection Registration is unaccounted for at this address.

*Invoices from aql
Statutory Declaration Exhibit DR05- Invoices from aql Invoices for business activities addressed to Enterprise House between 19 Dec 2002 and 30 Nov 2024.The accompanying Planning Statement Claims Aql are a telecommunications operator who have provided services to 'Enterprise House' since 2006.

228 Aql Invoices (excluding any invoices on duplicate dates) addressed to Enterprise House have been submitted as evidence to support the applicants claim the building has been used as a single commercial office (Class E) for more than ten years. The following table breaks down the number of invoices submitted for each calendar year.

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Number of Submitted Invoices Per year	1	4	3	2	11	18	11	8	15	18	18	25

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Number of Submitted Invoices Per year	10	8	6	4	14	17	14	16	5	4	3	0

The submitted evidence demonstrates Aql has continuously provided telecommunications services to businesses operating from 'Enterprise House' for a period of 22 years.

*Statement from Daisy Communication Ltd
The submitted statement is addressed to Procare Cleaning Management Ltd at Enterprise House, Bluntisham Road, Needingworth. The Statement dated 4th Dec 2024 details the outstanding items on the account since 01/01/2011 which is £0.00.

A subsequent letter dated the 27th Nov 2024 but not addressed to any property was submitted. The Statement details a full statement for the account between the dates of 01/07/2011 and 30/11/2024.

As there is no address associated with the submitted letter dated the 27th Nov 2024, Officers are uncertain as to whether Daisy Communication provided a telephone system for the businesses operating out of 'Enterprise House' between 01/07/2011 and 30/11/2024.

*Insurance Company information
Exhibit DR06 -Letter addressed to applicant and Enterprise House detailing Public and Products Liability Insurance policy since the 12 Jan 2007.
Certificate of Liability for the period between 12/01/2024 and 11/01/2025 addressed to ProCare Cleaning Management (London) Ltd at Enterprise House.
Email dated the 24 April 2024 states a Hiscox Public and Products Liability Insurance Policy for Pro Care limited has been taken out since the 12 Jan 2007.

This evidence demonstrates that Procare Cleaning Management have had a continuous Public and Product Liability insurance policy since the 12 Jan 2007 until the 11 Jan 2025 at this address.

*Dove's Hygiene Services Customer Activity Summary
Summary of customer activity between 06/02/2009 to 04/12/2024 for Procare Cleaning Management. The summary details sales receipts, BACS transfer dates and costs for dates between 2009 and 2024. The submitted summary does not include an address associated with the Procare Cleaning customer activity document. Officers are therefore uncertain as to whether the customer activity detailed between 06/02/2009 to 04/12/2024 was associated with the business operating out of 'Enterprise House'.

*Companies House Confirmation Statement
A Confirmation statement was submitted as supporting evidence. The statement electronically filed on the 13/05/2025 confirms the company name as ProCare cleaning management (London) Ltd with a company number of 03578438. No address associated with the business is detailed the submitted paperwork. The applicants claim the company is still active and operating from Enterprise House, Bluntisham Road, Needingworth. It is not disputed that the business is still operational given Companies House states the business has not dissolved however, the registered office for ProCare cleaning management (London) Ltd is detailed on companies' house as 32a East Street, St. Ives, Huntingdon, Cambridgeshire, PE27 5PD and not the building subject of this application.

Notwithstanding the above, it is noted 32a East Street, St. Ives, Huntingdon, Cambridgeshire, PE27 5PD is an office used for the accountancy firm known as Tacconi Green & Co according to Google Maps. The office is the registered address for 38 other businesses according to the government

Companies House register. Officers are therefore satisfied that 32a East Street, St. Ives, Huntingdon, Cambridgeshire, PE27 5PD is the address of the accountancy firm used to keep financial records of ProCare cleaning management (London) Ltd and is not the address the business operates from.

Information available to the Local Planning Authority

*Planning History of the site and any associated communication

Planning history on the application site details a permitted change of use from residential to office & residential (planning application ref 9700924FUL) at Enterprise House, Bluntisham Road, Needingworth, St Ives.

This application does not seek to establish whether the use permitted above was implemented but to establish whether on the balance of probabilities, the land and property known as Enterprise House, Bluntisham Road, Needingworth, PE27 4TA has been used as a single commercial office (Class E) for more than ten years before the date of this application.

Officers were unable to identify whether the approved plans for 9700924FUL distinguished between the office and residential unit. In order to clarify matters, the agent confirmed the buildings attached and adjacent to Enterprise House been used for residential purposes ancillary to The Laburnums. Officers are therefore satisfied Enterprise House is a single planning unit and not a mixed use building.

*Aerial and Street level Imagery

In regard to street level imagery the earliest data available to the LPA are images taken in October 2008. Other street level imagery was taken in April 2011, September 20211, May 2021 and May 2023. From Bluntisham Rd the building subject to this application did not have any external advertisement for the Class E use on the dates and years listed above. Notwithstanding this, the building is accessed off a private drive off Bluntisham Rd whereby the front entrance to the building is located within a courtyard not visible from the public realm.

*Building Control Applications.

No relevant building control applications are associated with the building subject of this application.

*Companies House

Officers reviewed the information detailed on the government website Companies House associated with the business names detailed in the applicants submission and the address associated with the building.

P C M FRANCHISE SERVICES LIMITED-
Registered Office - Registered Office Address: 32a East Street, St. Ives, Huntingdon, Cambridgeshire, PE27 5PUD
Incorporated on 13 April 1994 and dissolved on the 14 January 2025
Annual Return filed on an annual basis continuously between 16 May 1995 to 03 Jun 2016

PROCARE CLEANING MANAGEMENT (LONDON) LIMITED- Registered Office Address: 32a East Street, St. Ives, Huntingdon, Cambridgeshire, PE27 5PD
Incorporated on 9 June 1998
Annual Return filed on an annual basis continuously between 30 Jun 1999 to 09 Jun 2016

PROCARE CLEANING MANAGEMENT LIMITED- Registered office address: 136 Bedford Road, Barton-Le-Clay, Bedford, England, MK45 4LR
Incorporated 28 November 1990 and dissolved 27 February 2024
Annual Return filed on an annual basis continuously between 20 Nov 1991 to 23 Dec 2004.

JOHN DAVID SERVICES LIMITED- Registered office address: Enterprise House, Bluntisham Road Needingworth, St Ives, Cambridgeshire, PE27 4TA

Incorporated 6 November 2003
Previous company name PROCARE CLEANING MANAGEMENT (NORFOLK) LIMITED 06 Nov 2003 - 20 Aug 2007
Annual Return filed on an annual basis continuously between 20 Nov 1991 to 26 Jan 2016.

The information above highlights that John David Services Limited previously known as Procare Cleaning Management (Norfolk) Limited were businesses registered to Enterprise House, Bluntisham Road Needingworth, St Ives, Cambridgeshire, PE27 4TA between 06 Nov 2003 - 20 Aug 2007.

The applicants submitted declaration which declares that they are the company director for Procare Cleaning Management Ltd, Procare Cleaning Management, PCM Franchise Services Ltd, John Davis Services Ltd and formerly operated under the trading entity DPR services until it merged into Procare Cleaning Management Ltd which has also been signed by a solicitor.

From the above information it is noted that John David Services Limited and Procare Cleaning Management (London) Limited are still incorporated. There does not appear to be any duration gaps in the various business ventures declared by the applicant.

It is also noted that P C M Franchise Services Limited, Procare Cleaning Management (London) Limited, Procare Cleaning Management Limited and John David Services Limited have filed returns on an annual and continuous basis for a period of more than 10 years.

Legal tests
The Local Planning Authority (LPA) can grant a certificate confirming whether an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990. If the LPA is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate. Where an application has been made under section 191, the statement in a lawful development certificate of what is lawful relates only to the state of affairs on the land at the date of the certificate application.

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The "on the balance of probabilities" standard is a test used in civil cases to determine whether a fact is more likely than not to have occurred. This means Officers would be satisfied that the evidence submitted suggests the applicants claim was more than likely to have occurred, than not. In this instance, the applicant claims the building (Enterprise House, PE27 4TA) subject of this application has been used by Pro Care UK as a commercial office (Class E) for in excess of 10 years and has submitted evidence to support such claim.

The following evidence demonstrates a continuous use of the building subject of this application as a commercial office (Class E) for in excess of 10 years:

- Huntingdonshire District Council Business Rates Liability addressed to Enterprise House from 05/01/1998 to 23/04/2025

- Data protection registration addressed to Enterprise House from 23/10/2000 to 22/10/2024
- Agl Invoices addressed to Enterprise House from 19/12/2002 to 22/10/2024
- Business Insurance addressed to Enterprise House from 12/01/2007 to 11/01/2025
- Companies House Incorporation from 09/06/1998 to 23/04/2025.

Conclusion:
On the basis that the Local Authority has no new evidence to make the applicant's version of events less than probable; the information provided and available to the Local Planning Authority is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability.

The evidence submitted with this application has, on the balance of probability, demonstrated that Enterprise House, Bluntisham Road, Needingworth, St Ives, PE27 4TA has been used by Pro Care UK as a commercial office (Class E) for in excess of 10 years. Therefore, the lawful use of Enterprise House is Class E (Commercial, Business and Service) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and is immune from enforcement action.

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CONTACT OFFICER:
Enquiries about this report to **Charlotte Dew**