
Cover Statement in Support of an Application for a Certificate of Lawful Development (Existing Use)

The Marsden Inn, 143 Marsden Lane, South Shields, NE34 7HN

1. Introduction

This statement is submitted in support of an application for a Certificate of Lawful Development (Existing Use) under Section 191 of the Town and Country Planning Act 1990 in respect of the first-floor flat at The Marsden Inn, 143 Marsden Lane, South Shields.

The application seeks to confirm that the use of the first-floor unit as a self-contained residential dwelling is lawful by virtue of the passage of time, such that no enforcement action may now be taken.

This approach follows pre-application correspondence with South Tyneside Council, during which officers advised that the lawful status of the use could not be confirmed informally and should instead be established through a Certificate of Lawful Development supported by appropriate evidence and assessed on the balance of probability.

2. Site Context and Ownership

The application site comprises the former Marsden Inn public house. The first floor includes a self-contained residential flat accessed independently from the remainder of the building.

The current owner, Moorgate Property Limited, purchased the building in June 2024. At the point of acquisition, the first-floor flat was clearly arranged for residential occupation and appeared to have been in active use immediately prior to completion. The flat contained typical domestic furnishings and effects consistent with everyday residential living, including made beds, household furniture, and children's items such as pushchairs and bicycles. These observations are consistent with an occupied dwelling rather than vacant or ancillary accommodation.

There is no evidence that the residential use commenced following the purchase of the building by the current owner.

3. Planning History

Planning permission was granted by South Tyneside Council under application reference 250237 for the change of use of part of the ground floor from public house/restaurant to a Class E(a) retail unit, together with associated operational development.

That permission relates solely to the ground floor of the building. The first-floor accommodation was not subject to the application and no change of use or operational development was proposed or carried out in respect of the residential flat. The approved drawings confirm that the first floor was unaffected by the development.

4. Evidence of Long-Standing Residential Use

The principal documentary evidence submitted in support of this application comprises Council Tax records issued by South Tyneside Council.

These records confirm that:

- The property is identified as "The Marsden Inn Flat, 143 Marsden Lane, South Shields";
- The flat is separately assessed and entered in the Valuation List at Band A, applicable to domestic dwellings;
- Council Tax demand notices, reminders and final notices have been issued for successive financial years, including 2024/25 and 2025/26.

This documentation demonstrates that the local authority has recognised and treated the unit as a self-contained residential dwelling for a sustained period.

The Council Tax evidence is supported by the observed condition and contents of the flat at the time of purchase in June 2024, which indicate ongoing residential occupation immediately prior to acquisition.

5. Lawfulness of the Use

Section 171B(3) of the Town and Country Planning Act 1990 provides that no enforcement action may be taken in respect of a material change of use after a period of ten years.

Based on the evidence submitted, including Council Tax records and corroborative observations at the time of purchase, it is contended that the first-floor flat has been in continuous use as a self-contained residential dwelling for a period exceeding ten years prior to the date of this application.

In the absence of any evidence to contradict this position, and applying the “balance of probability” test set out in national guidance and referenced by the Council, the residential use is lawful and eligible for confirmation by way of a Certificate of Lawful Development (Existing Use).

6. Schedule of Appendices

- **Appendix A** – Council Tax demand notices, reminders and final notices issued by South Tyneside Council confirming domestic assessment (Band A).
 - **Appendix B** – Planning Permission Decision Notice (Ref: 250237).
 - **Appendix C** – Existing and approved plans demonstrating that the first-floor accommodation was unaffected by the ground-floor development.
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7. Conclusion

The evidence submitted demonstrates, on the balance of probability, that the first-floor flat at The Marsden Inn has been in continuous residential use for a period exceeding ten years and is therefore lawful. The application seeks formal confirmation of that lawfulness under Section 191 of the Town and Country Planning Act 1990.