

9<sup>th</sup> June 2023

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Dear Kristina,

## **HIGHGATE STUDIOS, CAMDEN LONDON, NW5 1TL**

### **APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE OR DEVELOPMENT RELATING TO THE USE OF THE BASEMENT AREA OF PLOTS B, C & D AS OFFICES**

#### **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

On behalf of our client, Kentish Town UK Office Propco Limited, please find enclosed an application for a Lawful Development Certificate for Proposed Use or Development ('CLOPUD') relating to the use of the existing basement floorspace at Plot B, C and D at Highgate Studios (the 'Basement') as Use Class E (offices).

In addition to the contents of this letter, the following documents are submitted in support of this Application:

- Completed and signed application form
- Site Location Plan
- Statutory declaration of Adnan Mehboob
- Statutory declaration of Martin Joyce

#### **Proposal and Background**

An application for full planning permission has recently been submitted (planning ref. 2023/1804/P) to redevelop Highgate Studios in a number of separate phases to provide a maximum of 17,519 sqm (GEA) of commercial uses including office and retail (the 'Development'). The Development will also provide significant, high quality public realm and associated works.

As part of the proposed Development, the Applicant is now seeking to obtain a CLOPUD confirming that the use of the Basement (as denoted on the Site Location Plan enclosed) as Use Class E (offices) is lawful and does not require planning permission. This is on the basis that the Basement has been operating solely in conjunction with and ancillary to the use of Plots B, C &

D as Use Class E (offices) and in any event has been used as such for no other purposes for a continuous period of at least 10 years.

### **Assessment**

Section 55 of the Town and Country Planning Act 1990 ('TCPA') (as amended) states that planning permission is only required if the work being carried out meets the statutory definition of 'development' (see below):

*"The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in use of any building or other land"*

Development includes:

- building operations (e.g. structural alterations, construction, rebuilding, most demolition);
- material changes of use of land and buildings;
- engineering operations (e.g. groundworks);
- mining operations;
- other operations normally undertaken by a person carrying on a business as a builder;
- subdivision of a building (including any part it) used as a dwellinghouse for use as 2 or more separate dwelling houses.

The categories of work outlined in Section 55 of the TCPA 1990 (as amended) that do not amount to development include, but are not limited to the following:

- Interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square meters);
- Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition but is linked to the significance of the change which is made to a building's external appearance;
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

Taking the above into account, the use of the Basement as Use Class E (offices) does not constitute development requiring planning permission because:

- There will be no material change of use of the Basement. The Basement, as confirmed by the statutory declarations submitted in support of the Application, has been used solely and continuously for a period of at least 10 years in conjunction with, and ancillary to, the use of the wider Plots B, C & D as Use Class E (offices).

Based on the above, and in considering the supporting information, we write to request the Council grant a CLOPUD pursuant to S.192 of the TCPA confirming that the lawful use of the Basement is offices within Class E and therefore the use of the Basement as offices does not require planning permission.

The application has been submitted via the Planning Portal (ref. PP- 12206275) and the relevant application fee has been paid in full.

Should you wish to discuss any aspect of the submission then please do not hesitate to contact

Oliver Sheppard (oliver.sheppard@dp9.co.uk) or George Fairlie (george.fairlie@dp9.co.uk) of this office.

Yours faithfully,

**DP9 Ltd**