

Application ref: 2023/5179/P  
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Date: 26 January 2024

**Development Management**  
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Design and Plan Consultants Ltd.  
93 Cotmandene Crescent  
Orpington  
Kent  
BR5 2RA

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Proposed) Granted**

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Change of use from hot food takeaway to a restaurant for sale of food and drink for consumption on the premises (Class E).

Drawing Nos: 01, 02.

Second Schedule:

**123 Castlehaven Road**  
**London**  
**NW1 8SJ**

Reason for the Decision:

- 1 The change of use is permitted under Class A of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Informative(s):

- 1 The proposal, subject to the grant of this certificate, would only constitute permitted development where, before beginning the development, the developer provides written notification to the local planning authority of the date

on which the use of the building will change, in accordance with Condition A.1 of Class A of Part 3 of Schedule 2, Town & Country Planning (General Permitted Development) (England) Order 2015 as amended.

- 2 It is noted that the submitted existing and proposed drawings do not accurately show the ground floor shopfront on the front elevations. In this regard, the applicant is reminded that this approval relates to the proposal as described above, and does not grant planning permission or consent for any external alterations. In particular, the applicant's attention is drawn to the need to apply for planning permission for any future shopfront alterations and/or the installation of new or replacement external plant or equipment in connection with any permitted use. Planning advice may be sought by contacting the Council's Development Management Team at [planning@camden.gov.uk](mailto:planning@camden.gov.uk).
- 3 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Planning Portal website - [www.planningportal.co.uk](http://www.planningportal.co.uk).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

#### Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on the specified date and thus, was not\*/would not have been\* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\*

which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.