

LDC (Proposed) Report	Application number	2024/4619/P
Officer	Expiry date	
Jaspreet Chana	18/12/2023	
Application Address	Authorised Officer Signature	
Unit 3 37-39 High Holborn WC1V 6AE		
Conservation Area	Relevant article 4	
Bloomsbury Conservation Area	Article 4 Basements Article 4 Land Use	
Proposal		
Establish whether the existing use of Unit 3 falls within Use Class E and whether the proposed use also falls within Use Class E.		
Recommendation:	Grant Lawful Development Certificate	

1. This certificate is to establish the use of Unit 3 and then establish if the new use of Unit 3 as an escape room also falls under Class E.
2. Section 55 of the Town and Country Planning Act 1990 defines “development”. Planning permission is required for most forms of “development” (unless excluded by Section 57). However, Section 55(2) say, amongst other things, that *“The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.”
3. The relevant Order is the Town and Country Planning (Use Classes) Order 1987 (as amended by the new Use Class Order 2020). Class E of the Order is broad and covers commercial, business, and service uses. These include:
 - E(a) Display or retail sale of goods
 - E(b) The sale of food and drink
 - E(c)(i) Financial services (ii) Professional services (other than health and medical services), or (iii) Any other services
 - E(d) For indoor sport, recreation or fitness
 - E(e) Provision of medical or health services
 - E(f) Creche, day nursery or day centre, not including residential use
 - E(g)(i) Offices to carry out any operational or administrative functions, (ii) the research and development of products or processes or, (iii) any industrial process
4. The subject site, Unit 3, is accessed from Warwick Court, and comprises the rear portion of the ground floor commercial demise, and the basement, which is accessed from within the unit. No official planning permission has been granted for the use of Unit 3. Therefore, the lawful use can be determined by assessing the length of time the existing use has been in operation.

5. History timeline of the site:

- The ground floor and basement were occupied by a single retail unit (Vision Express) since October 2000 (Evidence on PSDS7)
- The retail unit was subdivided into two and sub-let to Starbucks, with Vision Express occupying the remainder of the retail floorspace.
- Vision Express's lease expired in 2020, then the ground floor and basement were subdivided into three units (1, 2 and 3).
- In November 2020, Vision Express entered into a new lease for Unit 1 (Evidence PSDS8)
- In April 2023, Meletius Coffee entered into a lease for Unit 2 (Evidence PSDS9).

6. Unit 3 is currently being marketed out to be let as a Class E unit since the previous lease expired in 2020 (as said in Peter Simons declaration October 2024). The submitted evidence of the leases, planning history, statutory declaration and images from Google Streetview demonstrate clearly that the ground floor and basement have been in commercial retail use since October 2000. Therefore, on the balance of probabilities Unit 3 has been operating under previously Class A1 and now Class E for over 10 years, this satisfies the test and establishes the use of the site as Class E.

7. Unit 3 wants to operate as an escape room, Officers consider this use to fall under Part (d) of Use Class E - indoor sport, recreation or fitness, as the new use would fall under class E no development is therefore proposed and no permission would therefore be required for the use as it falls under the same use as the existing units use.

8. The existing use as Commercial retail of Unit 3 falls with Class E under paragraph (b) (rather than Class A which was revoked from 1st September 2020). The proposal involves changing to another use under Class E to run an Escape Room (under part (d) Class E) as both operations fall within Class E (Commercial, Business and Service), and so would not constitute "development" as defined by Section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

9. Recommendation: Grant Certificate of Lawful Development (Proposed).