



Department of the Environment
Room 1308
Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct line 0272-218 856
Switchboard 0272-218811
GTN 2074

Your reference

Our reference

T/APP/5008/A/80/13288/G8

Date

Gerd Kaufmann Associates
94 Belsize Lane
LONDON
NW3 5BE

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- G7/8/13/29919

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Council of the London Borough of Camden to grant planning permission subject to conditions for the continued use of the ground and basement floors as offices of 94 Belsize Lane, NW3. I have considered the written representations made by you and by the Council. I inspected the site on 2 February 1981.

2. The condition in dispute provides that "This permission shall be personal to Gerd Kaufmann Associates during their occupation and shall not endure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for light industrial purposes".

3. The Council's objections are based entirely on policy grounds. They refer to their District Plan, which has been operative since 8 January 1978, in support of these objections. The Plan urges that there should be no increase in office floor space except in preferred locations which do not include the appeal premises, unless there would be substantial planning advantage or support for other existing activities. Further, the Plan stipulates there should be no change of use to offices from residential or light industrial use. The Council go on to explain that in their view Nos 64 to 76 Belsize Lane are mainly in retail and restaurant use, that Nos 78 to 86 are mainly residential, that Nos 88 to 104, which include the appeal premises, are of mixed uses including cafes, light industry, betting shops, showrooms, workshops, studios and builders stores, where offices are merely incidental to other primary uses. Therefore, the Council's case is that the offending condition has been imposed to secure the reversion of the premises to light industry rather than office use when you dispose of them.

4. You say that this is unreasonable in that it would make the premises difficult to dispose of when you have finished with them. The premises have been in office use for 16 years. They were derelict when you took them over and would be expensive to convert again to light industrial use. In any event the character of the locality has changed during that period and light industry would not be appropriate. Indeed, you say the Council have recently replaced industrial premises on the other side of the road by residential development which is now under construction; that Nos 98 to 104 are offices and have been so used for many years without any connection with any other primary uses. You quote other instances in which you say the Council's understanding of local uses is wrong.

5. I must say that my inspection of the site and surroundings failed to convince me that there were no primary office uses among Nos 88 to 104 as the Council allege, but being unable to inspect fully all the premises referred to I cannot resolve those cases where the uses are in dispute. Neither is it clear that where there are offices planning permission has been given. However, it is not my task to question the rightness of the Council's policies or even whether they are well founded. I must judge the case against the policies as they stand, and I find no extenuating circumstances which would justify my overturning the Council's application of their policy in this case.

6. I have considered your argument that the offending condition casts a blight over your premises, but if as you say, it is unlikely the Council would refuse to permit a similar office use by another occupier, then there would be no adverse effect on the disposal of the property for that purpose. In short, any adverse effect of the condition on your occupancy or the disposal of the property appears to me to be quite insufficient cause to reject the Council's condition which is, not unreasonably, designed to secure control of the premises when you cease to occupy them.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

C F Allan
C F ALLAN CB ARIBA FRTP
Inspector