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LEGISLATION  
LEGAL DEPARTMENT  
13 JUL 1983

CAMDEN  
N10 1J  
24 622  
REF. NO 1372

Council reference LEGAL/EN 294 ALLOW

J E Irvine Esq  
The Hammerson Group  
100 Park Lane  
LONDON  
W1Y 4AR

Your reference

JEL/SEH

Our reference

T/APP/5008/C/82/3548/PE2

Date

11 JUL 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY D.O.B. ESTATE LIMITED  
LAND AND BUILDINGS AT 131-132 HIGH HOLBORN, LONDON WC1

1. I refer to the appeal which I have been appointed to determine, against an enforcement notice issued by the Council of the London Borough of Camden concerning the above land and buildings. I have considered all the representations made by you and by the council. I inspected the site on 15 June 1983.
2.
  - a. The date of the notice is 9 November 1982.
  - b. The breach of planning control alleged in the notice is the unauthorised making of a material change in the use of the land to use of the first and third floors as offices.
  - c. The requirements of the notice are the cessation of the office use and the removal of all furniture equipment and other things connected with that use.
  - d. The period for compliance with the notice is 3 months.
  - e. The appeal was made on ground 88(2)(c).
3. It is not disputed either that at the time of issue of the enforcement notice the first and third floors were in use by a firm of architects and interior designers, or that at the present time the first floor is occupied by a firm of graphic designers and the third floor by a firm of architects and interior designers.
4. Although the appeal was made on ground (c), you state that you note from the council's submissions that the lawful use of the first and third floors is retail, and you acknowledge that a breach of planning control has occurred. I am therefore regarding the appeal on ground (c) as withdrawn.
5. On the planning merits of the deemed application for planning permission, it appears to me from the representations and my inspection of the premises and their surroundings that the main issue is whether an exception should be made to the council's policy for the control of office development in the area.

6. The council have explained their policy of restricting office development as expressed in the written statement to the Local Plan. I see no reason for not accepting that the policy merits support.

7. In the council's submission they would not suggest that the first and third floors, and the second floor which has planning permission for use and is in use as a photographic library, should necessarily still be used for purposes ancillary to the ground floor shop, now used as a restaurant, but they consider there to be insufficient reason for changing the use of the upper floors to general offices. They say that they would prefer to see them converted for housing or used for light industrial purposes, but that, if neither of those uses were practicable, they would expect any alternative uses of an office nature to be suitably controlled. They go on to say that, if applications were to be submitted in respect of the present uses of the first and third floors, it is likely that they would be recommended to the appropriate committee for approval. They suggest that, if those uses are found acceptable, a condition should be imposed either making them personal to the occupiers or restricting the use to offices or studios of architects or graphic designers.

8. You have given reasons why you do not consider the first and third floors suitable for either residential or light industrial use. You say that it would be impractical to restrict an office consent to the occupant or type of business of the occupant, and that a general office consent should be granted. In your submission such a consent would result in the maintenance of the character of the building, in no harm being done to the character of the area, in the maintenance of the provision of accommodation for small businesses, and in the maintenance of a variety of employment opportunities.

9. Having regard to the authorised use of the second floor as a photographic library and to the nature of the current uses of the first and third floors, I find myself unconvinced that the present uses of the first and third floors are unacceptable. However, despite the existence of a large number of offices in the area, I am not persuaded that planning permission for general office use of the 2 floors should be granted. Such a permission would be contrary to the council's policy to restrain office development and preserve a variety of land uses in the area, and would militate against the success of their policy. I note that the permission for use of the second floor of the premises as a photographic library with ancillary offices contains a condition requiring that the ancillary office floor space shall not exceed 170 sq ft.

10. You state that the occupants of the third floor have indicated that they might leave before the end of the year. It seems to me that, if that were to happen and other occupants carrying on a similar business were not available, it would be open to you to seek a new planning permission from the council in respect of that floor.

11. After taking into account all other matters raised in the representations, and the advice contained in Circular 22/80, I conclude that planning permission for office use of the first and third floors should be granted subject to a condition restricting the use to use as offices or studios of architects or graphic designers.

#### FORMAL DECISION

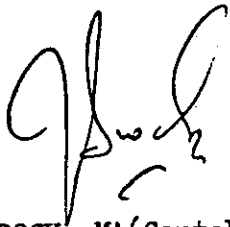
12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow the appeal, direct that the enforcement notice be quashed, and grant planning permission for the use of the first and third floors of premises at 131-132 High Holborn, London WC1, as offices, subject to the condition that the floors shall be used as offices or studios of architects or graphic designers and for no other purpose, including any other purpose in Class II of the schedule to the Town and Country Planning (Use Classes) Order 1972.

13. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

RIGHT OF APPEAL

14. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed.

I am Sir  
Your obedient Servant



J BROCK MA(Cantab)  
Inspector

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