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Phone: 020 7974 4444  
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Development Management  
Regeneration and Planning  
London Borough of Camden  
Judd Street  
London WC1H 8ND

Application for a Lawful Development Certificate for an Existing use or operation  
or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of  
the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address	2. Agent Name and Address
Title: <input type="text" value="Mr"/> First name: <input type="text" value="Roger"/>	Title: <input type="text" value="Mr"/> First name: <input type="text" value="Oliver"/>
Last name: <input type="text" value="Keeling"/>	Last name: <input type="text" value="Lock"/>
Company (optional): <input type="text"/>	Company (optional): <input type="text" value="Farrer &amp; Co"/>
Unit: <input type="text"/> House number: <input type="text" value="58"/> House suffix: <input type="text"/>	Unit: <input type="text"/> House number: <input type="text" value="66"/> House suffix: <input type="text"/>
House name: <input type="text"/>	House name: <input type="text"/>
Address 1: <input type="text" value="Doughty Street"/>	Address 1: <input type="text" value="Lincoln's Inn Fields"/>
Address 2: <input type="text"/>	Address 2: <input type="text"/>
Address 3: <input type="text"/>	Address 3: <input type="text"/>
Town: <input type="text" value="London"/>	Town: <input type="text" value="London"/>
County: <input type="text"/>	County: <input type="text"/>
Country: <input type="text"/>	Country: <input type="text"/>
Postcode: <input type="text" value="WC1N 2JT"/>	Postcode: <input type="text" value="WC2A 3LH"/>

### 3. Site Address Details

Please provide the full postal address of the application site.

Unit:		House number:	58	House suffix:	
House name:					
Address 1:	Doughty Street				
Address 2:					
Address 3:					
Town:	London				
County:					
Postcode (optional):	WC1N 2JT				
Description of location or a grid reference. (must be completed if postcode is not known):					
Easting:	530808	Northing:	182147		
Description:					

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Gary Bakall

Reference:

[REDACTED]

Date (DD/MM/YYYY):

27/03/2015

(must be pre-application submission)

Details of pre-application advice received?

Mr Bakall explained that our client's previous installation of a wooden planting box without wheels, located between the two raised flowerbeds in the centre of the rear garden, amounted to development requiring planning permission primarily because the planting box was difficult to move. This planting box overcomes this as it has wheels.

### 5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner: ☒ Yes ☐ No Lessee: ☐ Yes ☐ No Occupier: ☐ Yes ☐ No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application
		Yes No
		<input type="checkbox"/> <input type="checkbox"/>

If No to all the above, please give name and address of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application	If No, please explain why not
			Yes No	
			<input type="checkbox"/> <input type="checkbox"/>	
			<input type="checkbox"/> <input type="checkbox"/>	
			<input type="checkbox"/> <input type="checkbox"/>	
			<input type="checkbox"/> <input type="checkbox"/>	

### 6. Authority Employee / Member

With respect to the Authority, I am:

- (a) a member of staff (c) related to a member of staff  
(b) an elected member (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

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### 7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

An existing use: ☐ Yes ☐ No

Existing building works: ☒ Yes ☐ No

An existing use, building work or activity in breach of a condition: ☐ Yes ☐ No

Being a use, building works or activity which is still going on at the date of this application

If Yes to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

### 8. Description of Existing Use, Building Works or Activity

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

Placing a planter in the garden of 58 Doughty Street

### 9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

- ☐ The use began more than 10 years before the date of this application.
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application.
- ☒ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

Please see attached. The placing of the planter in the garden does not amount to development requiring planning permission.

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number:  Condition Number:  Date (DD/MM/YYYY):  (must be pre application submission)

Please state why a Lawful Development Certificate should be granted:

Please see attached.

### 10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed:  (date must be pre-application submission) (DD/MM/YYYY)

In the case of an existing use or activity in breach of conditions has there been any interruption? ☐ Yes ☐ No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

☐ Yes ☐ No

If Yes please provide details:

# 10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information

Does the application for a Certificate relate to a residential use where the number of residential units has changed? ☐ Yes ☒ No  
If Yes, please complete the following table:

Proposed Housing							Existing Housing						
Market Housing	Number of Bedrooms					Total	Market Housing	Number of Bedrooms					Total
	1	2	3	4+	Unknown			1	2	3	4+	Unknown	
Houses						a	Houses						a
Flats & Maisonettes						b	Flats & Maisonettes						b
Live-Work Units						c	Live-Work Units						c
Cluster Flats						d	Cluster Flats						d
Sheltered Housing						e	Sheltered Housing						e
Bedsit/Studios						f	Bedsit/Studios						f
Unknown						g	Unknown						g
<b>Market Housing Total (a + b + c + d + e + f + g) =</b>						<b>A</b>	<b>Market Housing Total (a + b + c + d + e + f + g) =</b>						<b>E</b>
<b>Social Rented Housing</b>							<b>Social Rented Housing</b>						
	1	2	3	4+	Unknown			1	2	3	4+	Unknown	
Houses						a	Houses						a
Flats & Maisonettes						b	Flats & Maisonettes						b
Live-Work Units						c	Live-Work Units						c
Cluster Flats						d	Cluster Flats						d
Sheltered Housing						e	Sheltered Housing						e
Bedsit/Studios						f	Bedsit/Studios						f
Unknown						g	Unknown						g
<b>Social Rented Housing Total (a + b + c + d + e + f + g) =</b>						<b>B</b>	<b>Social Rented Housing Total (a + b + c + d + e + f + g) =</b>						<b>F</b>
<b>Intermediate Housing</b>							<b>Intermediate Housing</b>						
	1	2	3	4+	Unknown			1	2	3	4+	Unknown	
Houses						a	Houses						a
Flats & Maisonettes						b	Flats & Maisonettes						b
Live-Work Units						c	Live-Work Units						c
Cluster Flats						d	Cluster Flats						d
Sheltered Housing						e	Sheltered Housing						e
Bedsit/Studios						f	Bedsit/Studios						f
Unknown						g	Unknown						g
<b>Intermediate Housing Total (a + b + c + d + e + f + g) =</b>						<b>C</b>	<b>Intermediate Housing Total (a + b + c + d + e + f + g) =</b>						<b>G</b>
<b>Key Worker Housing</b>							<b>Key Worker Housing</b>						
	1	2	3	4+	Unknown			1	2	3	4+	Unknown	
Houses						a	Houses						a
Flats & Maisonettes						b	Flats & Maisonettes						b
Live-Work Units						c	Live-Work Units						c
Cluster Flats						d	Cluster Flats						d
Sheltered Housing						e	Sheltered Housing						e
Bedsit/Studios						f	Bedsit/Studios						f
Unknown						g	Unknown						g
<b>Key Worker Housing Total (a + b + c + d + e + f + g) =</b>						<b>D</b>	<b>Key Worker Housing Total (a + b + c + d + e + f + g) =</b>						<b>H</b>
<b>Proposed Housing Grand Total (A + B + C + D) =</b>							<b>Existing Housing Grand Total (E + F + G + H) =</b>						
<b>TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):</b>													



### 11. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden of proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

The original and 3 copies of a completed dated application form:



The original and 3 copies of such evidence verifying the information included in the application as you can provide:



The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The correct fee:



### 12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed





Date (DD/MM/YYYY):

08/07/2015

(date cannot be pre-application submission)

#### WARNING:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

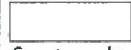
### 13. Applicant Contact Details

Telephone numbers

Country code:

National number:

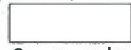
Extension number:

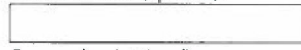




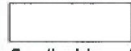


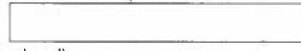
Country code: Mobile number (optional):





Country code: Fax number (optional):





Email address (optional):



### 14. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

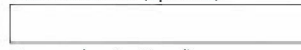






Country code: Mobile number (optional):





Country code: Fax number (optional):





Email address (optional):



### 15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☐ Yes ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent

☐ Applicant

☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:



Telephone number:



Email address:





## **9. Grounds for Application for a Lawful Development Certificate**

### **Why do you consider that a Lawful Development Certificate should be granted for this proposal?**

This matter has been subject to ongoing delays for a number of years. It has extensive planning history involving a number of enforcement enquiries and numerous discussions over whether our client's proposals amounted to development. From the outset and at each stage of the process, our client has been open and fully cooperative with the Council in spite of the view that the planter does not and has never amounted to development. Most recently, we wrote to the Council's enforcement officer dealing with this matter, explaining in precise detail why it would be unlawful for the Council to take enforcement action in respect of the central planter. His latest representations, contained in his letter of 27 March 2015, focussed on the fact that the planter was "fixed in place" and had a degree of "permanence". Our client has now put in place a portable metal planter erected on wheels thereby directly addressing the Council's concerns that the previous planter was unable to be moved. The planter is made up, very simply, of five metal sheets discreetly painted brown with four wheels placed on the underside in each corner. Please see the enclosed plan and photographs of the planter in place. Notwithstanding our client's recent modifications to their planter, and in the interests of clarity, we do not believe that the previous planter without wheels amounted to development for the purposes of Section 55 of the Town and Country Planning Act 1990. However, in the interests of resolving this dispute and bringing this matter to a close, our client has made these alterations to the planter which we believe represents an entirely satisfactory position that demonstrably is not in need of planning permission. Section 55 of the Town and Country Planning Act 1990 confirms that operational development means "the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land". Building operations, for the purposes of the Act, include demolition, rebuilding, structural alterations or other operations normally undertaken by a person carrying on business as a builder. This matter involves a yew bush that has been planted in a plant-holder and placed in a garden. The planter is not fixed to the ground and is easily movable; there clearly has been no demolition, rebuilding of or structural alterations to a building and no operations that are normally undertaken by a builder have taken place. The judgments in *Cardiff Rating Authority v Guest Keen Baldwins Iron & Steel Co Limited* [1949] 1 K.B. 385 and *Skerrits of Nottingham Ltd v Secretary of State for the Environment, Transport in the Regions (No.2)* [2000] 2 P.L.R. 102 identified three primary factors as being relevant to the question of what was a building requiring planning permission. These are

size, permanence and physical attachment. The planter is of small size (127cm x 80cm x 72.1cm) and has wheels so does not require any special equipment to move it. In *Hall Hunter Partnership v First Secretary of State* [2006] E.W.H.C 3482 (Admin) it was held that agricultural polytunnels sitting on top of stilts that penetrated one metre into the ground amounted to operational development because "it took teams of ten men 45 man hours to fully erect 1 acre and 32 man hours to dismantle the same". This is clearly incomparable to the positioning of a small portable planter containing a yew bush located in a garden. Our clients have cooperated with the planning authority at every stage of this protracted matter. Our clients have directly addressed the Council's concerns that the planter cannot be moved easily and we believe that the existence of a small, portable planter does not amount to operational development in need of planning permission. As part of the Council's site visit for this application, our client will have the planter in place for you to inspect.