

Pegasus Group  
10 Albemarle Street  
London  
W1S 4HH

Application Ref: **2017/1246/P**  
Please ask for: **Leela Muthoora**  
Telephone: 020 7974 **2506**

27 April 2017

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:

Use of the ground and first floor unit from retail use (Class A1) to financial and professional services (Class A2).

Drawing Nos: Site location plan P17-0469\_01, Cover letter dated 1 March 2017 MSP/P17-0469, Property valuation details 2005, 2010, 2017; Dwg 1517-100/-

Second Schedule:

**Shop and Premises at Ground and 1st Floor  
Unit 1 Kingswell  
58-62 Heath Street  
London  
NW3 1EN**

Reason for the Decision:

- 1 The change of use from Class A1 to A2 is permitted under Class D of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)



(England) Order 2015.

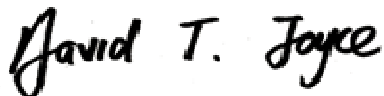
Informatives:

- 1 The unit described as shop and premises at ground and first floor, Unit 1 Kingswell, 58-62 Heath Street was granted in 1969 for retail use, with a further permission allowed on appeal in 1994 to infill the piazza at ground floor level and re-arrange the retail units into 3 large retail units and a large restaurant that can be seen in use today. The planning history supports that a retail unit has been operating in this unit for more than 10 years and is considered to be lawful as a Class A1 use. The site is within the Hampstead Conservation Area and Hampstead Town Centre; however, there are currently no Article 4 directions or other restrictions removing permitted development rights. Class D of Part 3, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 permits the proposed change of use from Class A1 (retail) to Class A2 (financial and professional services) without limitations or conditions and therefore the site benefits from the permitted development right outlined above.

You can find advice about your rights of appeal at:

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

Yours faithfully



David Joyce  
Director of Regeneration and Planning

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.