

Firstplan
Firstplan
Bramah House
65-71 Bermondsey Street
London SE1 3XF

Application Ref: **2018/0865/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

11 May 2018

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990, Section 191 and 192

Certificate of Lawfulness (Existing) Refused and Warning of Enforcement Action to be Taken

Address:

**Unit to the rear of 115 Finchley Road
London
NW3 6HY**

Proposal: Use of the unit to the rear of 115 Finchley Road as a Class B1c 'Commercial Kitchen'.

Drawing Nos: 2017-075-106 Rev A, Firstplan letter dated 19 February 2018 17232/MM/CJ/TH and Firstplan Statement in support of Application for a Certificate of Lawful Use dated February 2018 17232/MM/TH.

The Council has considered your application and decided to **refuse** a certificate of lawfulness for the following reason:

Reason for Refusal

- 1 The use as a commercial kitchen and delivery service is considered to be materially different to the previous use of the premises and therefore constitutes a material change of use. The applicant has failed to demonstrate, on the balance of probability, that the last lawful use of the premises was in the B1 use class, and that the use at the time of the application was also within the B1 use class. The change of use falls within the definition of 'development' as set out in section 55(1) of the Town and Country Planning Act 1990 (as amended), and would require planning



permission. The use is therefore not lawful by reason of section 191(2)(a) of that Act.

Informative:

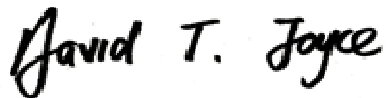
1 ENFORCEMENT ACTION TO BE TAKEN

The Council has referred this matter to the planning enforcement team for formal action.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning