

80-83 Long Lane,  
London,  
EC1A 9ET

**Via Planning Portal Only**

01 March 2019

Dear Sir/Madam,

**CERTIFICATE OF LAWFULNESS OF PROPOSED USE  
CHANGE OF USE FROM RESTAURANT/CAFÉ (USE CLASS A3) TO RETAIL (USE CLASS A1)  
3A CAMDEN ROAD, LONDON, NW1 9LG**

Please accept this covering letter as an accompaniment to a lawful development certificate application to establish whether a proposed change of use from A3 to A1 constitutes permitted development at the ground floor of 3a Camden Road. The application is submitted under Section 192 of the Town and Country Planning Act 1990 (as amended).

Existing use

The application property is currently in use as a Vietnamese restaurant at ground floor and has been in continual A3 use since 4 November 2004. This is evidenced through the planning history of the site with an application for a change of use from A1 to A3 refused by the council in December 2003, a decision upheld by a Planning Inspector at appeal in November 2004. Crucially however, in dismissing the appeal, the Inspector commented that the ground floor of the property was already in A3 use at the time of his visit and he was therefore considering the proposal retrospectively. Subsequent to the appeal decision, no enforcement action was taken by the Council and the A3 use continued unabated, thereby forming the lawful use of the premises by account of the passage of time.

Proposed use

While an end user is currently unidentified, this certificate application seeks confirmation that a change of use from the lawful A3 use to A1 retail use is 'permitted development'.

Lawfulness of proposed use

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), is a statutory instrument that grants planning permission for certain types of

development and such development is then referred to as 'permitted development'. Schedule 2 of the GPDO specifies the classes of development for which planning permission is granted and specifies the exceptions, limitations and conditions that apply to some of these cases.

Part 3 of the Schedule refers to changes of use and Class A of that Part states:

*Class A – restaurants, cafes, or takeaways to retail*

*Permitted development*

*A. Development consisting of a change of use of a building from a use falling within Class A3 (restaurants and cafes) or A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule.*

There are no exceptions, limitations or conditions relating to this part of the schedule.

For clarification, it is further noted that a number of Article 4 directions exist in Camden, specifically relating to basement development; office to residential change of use; shops to financial services change of use; light industrial to residential change of use and laundrettes to residential change of use. No Article 4 directions remove 'permitted development' rights in matters pertaining to the certificate the subject of this application. In addition, no historic planning applications have formally removed 'permitted development' rights relating to the application site.

The proposed change of use therefore constitutes 'permitted development'.

I trust the commentary above is clear but please do not hesitate to contact me if you have any queries or if I can offer any further points of clarification.

Yours sincerely



**Stuart Minty**  
**Director**  
**SM Planning**