

Application ref: 2019/2195/P  
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Date: 13 May 2019

**Development Management**  
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Steinfeld Law LLP  
22 Manchester Square  
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Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 09 May 2019 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

#### First Schedule:

Use as an independent school within class D1

Drawing Nos: Statutory Declaration by Carol Gay, Headmistress/Co-Headmistress of the Village School at 2 Parkhill Road, NW3 2YN since 1993

Statutory Declaration of Ellen Bolsom, Teacher (1985 - 2009) and Deputy Headmistress of the Village School at 2 Parkhill Road, NW3 2YN since 2009

Planning application 2008/3015/P (granted 23/10/2008) for 'increase in height of existing front boundary wall and installation of metal railings and gates' (application documents refer to the school)

Ofsted reports for 2007, 2009, 2012 and 2017

School information and self-evaluation form submitted to Ofsted 2003

Census data submitted by the School to the Department of Education (2005 - 2018)

LB Camden business rate bills for 'school and premises' (2010 - 2014, 2015 - 2018)

Valuation Office Agency rating for 'school and premises' 2009

Certificates of Employers Liability Insurance for 'the Village School' 1998 onwards

Letter from LB Camden Engineering Service referring to The Village School (30/05/2012)

#### Second Schedule:

**The Village School  
2 Parkhill Road  
London  
NW3 2YN**

Reason for the Decision:

- 1 The use began more than ten years before the date of this application.

Informative(s):

- 1 The application is made on the basis that the use as an independent school within Class D1 has been in existence continuously for at least ten years prior to the date of the application.

The application documents listed above confirm the use as an independent school within Class D1 on a continuous basis for at least ten years prior to the date of the application. Therefore a Certificate of Lawfulness should therefore be granted under Section 191 (2) of the Town and Country Planning Act 1990.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope  
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 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.