

June 20, 2019

Ref: P19-0657

Planning and Building Control
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Dear Sir/Madam,

RE: S191 Town and Country Planning Act 1990. Certificate of Lawful Development application for 14 Well Road, London, NW3 1LH. Erection of an artificial oak tree.

This covering letter accompanies a Lawful Development Certificate application submitted to Camden Council for the erection of an artificial tree outside of 14 Well Road, London, NW3 1LH.

The Certificate of Lawful Development is covered by Section 191 of the Town and Country Planning Act 1990 which states that "any person wishing to ascertain whether ... any operations which have been carried out on land are lawful" may make an application for the purpose to the local planning authority.

Enclosed with this application are the following:

- Completed application form
- Covering letter
- Location Plan
- Site Plan
- Photos of the tree
- Application fee of £234 + £20 service charge (to be paid direct to Council via Planning Portal by client).

Planning History

Reference 2014/5103/P: Permission was granted for the erection of a 3-storey dwelling (Class C3) following the demolition of existing dwelling subject to a section 106 legal agreement in 2015.

Proposal

The artificial tree is located to the front of 14 Well Road. The tree is made up of an aluminium frame covered with fibreglass with the branch ends and leaves being made up of plastic. The tree is currently bolted into a plate on top of a plinth. It has been necessary

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to attach the tree to the plinth, to ensure the stability of the tree. The tree could easily be moved as it is not heavy. It would just require the bolts being undone with a large spanner.

Section 55 of the Town and Country Planning Act 1990 defines "development," as 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. By this definition, the artificial tree does not constitute as development.

For this proposal, we refer to the definition of building operations which includes:

- (a)demolition of buildings; (n/a)
- (b)rebuilding; (n/a)
- (c)structural alterations of or additions to buildings; and (n/a)
- (d)other operations normally undertaken by a person carrying on business as a builder. (n/a)

The tree does not meet any of the criteria of building operations, which have been set out above. There was no demolition of buildings, rebuilding, structural alterations or other operation carried out by a builder.

The tree was delivered in pieces in wooden crates and then assembled. Once assembled, the tree was placed on to a circular board on top of a plinth. This was then bolted to the existing plinth, which was given permission with the original application, to ensure the stability of the tree. The tree is not a permanent structure as it does not have any foundations and can be disassembled easily. As there are no foundations, there was no requirement for a builder.

It is noted that the site lies in a conservation area. However, this does not have any bearing on the definition of the development. Even in a conservation, as in this case, the erection of the tree does not constitute building works and cannot be claimed to be development, as defined by S55 of the Act.

Whilst compiling this application we were in communication with Jennifer Watson, a planning officer at the Council who stated that the tree was considered to be development due to its size and the inability to move it. As stated above, these factors are not included in the definition of development and therefore we consider the opinions of Jennifer to be incorrect.

Conclusion

Overall, it is considered that the erection of the artificial oak tree does not constitute building operations and therefore it is not development, as defined by the Act. Therefore, a certificate of lawful development should be issued, as expeditiously as possible.

I trust the above explanation is clear and the submitted details are satisfactory. However, if you have any queries, or if you need any further information, please let me know.

Yours faithfully



Jim Bailey

Director