

Application ref: 2020/4560/P
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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 ground floor retail unit as tattoo parlour.

Drawing Nos: 1340-A-SP-01 & 1340-A-SP-02

Second Schedule:

**5 Back Hill
London
EC1R 5EN**

Informative(s):

- 1 This proposed tattoo studio would have a retail offering on the ground floor of the unit and would therefore retain a retail function. At this site the retail goods would be visible through the shopfront window which would encourage visits from members of the public.

Tattoo Studios typically serve members of the public who can walk in off the street whilst also operating a booking system. The Tattoo studio would operate as primarily walk-in service which is clearly associated with a town centre. The

unit would retain the vitality and viability of the central London area.

Prior to the amendments to the Use Classes Order on 1st September 2020 the local planning authority (LPA) and many other LPAs and PINS have treated tattoo parlours or studios as Sui Generis. This may have been primarily because tattoo parlours did not fit under the previous Class A1 definition of "Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes".

However, the new definition of Class E - "E(c)(iii) - Other appropriate services in a commercial, business or service locality" allows for a broader range of uses or activities to fall within the classification of 'services' in a 'commercial, business or service locality'. The new Use Class Order has identified certain uses that are Sui Generis and Tattoo parlours is not classified as such. The description of a Tattoo parlour would fall within Class E. The Council consider that Tattoo parlours would fall within Class E as it is an appropriate service to be found in a commercial, business or service locality.

Given both the existing use and proposed use would fall under Class E, planning permission is not required.

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 192 of the Town and Country Planning Act 1990 (as amended).
2. This Certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which

relates to other land may render the owner or occupier liable to enforcement action.

3. 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.