

Application ref: 2020/4338/P
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Robert Potter & Partners LLP
110 West George Street
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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 the property as a nursery (Use Class E)

Drawing Nos: 6402/00; Conservation Statement prepared by Robert Potter & Partners dated September 2020; Decision notice for Lingfield Health Club, 81 Belsize Park Gardens, NW3 planning reference PW9703128 dated 08/09/1997; Letter prepared by Shoosmiths LLP dated 4 February 2021; Prime retail brochure for 81 Belsize Park Gardens; Lewis Ellis brochure for 81 Belsize Park Gardens; Letter prepared by Shoosmiths LLP dated 16 February 2021; 19086-13-B-: G; 1; 2; 3; R

Second Schedule:

81 Belsize Park Gardens
London
NW3 4NJ

Reason for the Decision:

- 1 The use of the property as a nursery does not fall within the "meaning of development" requiring planning permission as defined by Section 55 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 192 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.