

Application ref: 2021/2488/P
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Mr Kausar Shahzad
24 Frognal Court
Finchley Road
London
NW3 5HG

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 part of the flat as office for a private hire/mini-cab operator, ancillary to the main residential use

Drawing Nos: Planning Statement dated 09/07/2021, Site location plan, Block Plan, Plan of Flat

Second Schedule:

24 Frognal Court
Finchley Road
London
NW3 5HG

Reason for the Decision:

- 1 The proposed office for a private hire/mini-cab operator would not involve a material change of use and would be ancillary to the primary use of the premises as a residential flat (Class C3). The proposal is not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990.

Informative(s):

- 1 This certificate is issued only in relation to a sole internet/telephone mini-cab booking service on the basis that the taxi service will be operated remotely, with vehicles being located and operating offsite. You are advised that any intensification of business use on the site, beyond what is sought, is likely to require planning permission. If customers visit the property and/or minicabs park in the area or use the area as a set-off/drop-down point then a change of use may occur and planning permission would be required. Any taxi activity on or close to the application site would constitute a change of use and would require planning permission or be subject to enforcement action.
- 2 The installation of any associated advertisements would require advertisement consent and would be indicative of an intensification of use that may generate the need for planning permission.

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 specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, 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 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.

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.