

Application ref: 2021/5067/P  
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Date: 30 January 2022

**Development Management**  
Regeneration and Planning  
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Contour Planning Services Ltd  
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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 14 January 2022 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:

Ventilation duct at rear of property for use as extraction for ground floor restaurant.  
Drawing Nos: 1991 Approval for duct; 1985 Approval for duct; Statutory Declaration (Austin Christopher Stanniland); Statutory Declaration (Ronald Max Laser); Statutory Declaration (Jamie Richard Sanfelix); Decision Notice for Application Ref. PL/8500844/; Decision Notice for Application Ref. PL/8905844/; Rear Elevation Plan (Illustrating Ductwork) (Drawing No. 345/04A); Site Location Plan (Drawing No. CPS01)

#### Second Schedule:

**Rear of 205-207  
Haverstock Hill  
London  
NW3 4QG**

#### Reason for the Decision:

- 1 The evidence submitted demonstrates on the balance of probability that the operation of the ventilation duct installed to the rear of the building has been ongoing at the site for more than 10 years. It is therefore considered that the

ventilation duct is lawful.

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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

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 operations 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. 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.