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Dear Sir / Madam

**Town and Country Planning Act 1990 (As Amended)**  
**Application For a Lawful Development Certificate for a Proposed Use (CLOPUD)**  
**Ground Floor Retail unit within 112 – 124 Camden High Street, NW1 0RR (no. 114 – 120 Post Office)**

On behalf of our client, Penwell Developments Ltd (the Applicant), please find enclosed an application for a Lawful Development Certificate for a Proposed Use in accordance with Section 192 of the Town and Country Planning Act 1990. The Certificate application is for the following:

*“Certificate of Lawful Proposed Use for use of the ground floor post office retail unit (Class E(a)) of 114 – 120 Camden High Street as an office (Class E(g)(i))”*

The Certificate is seeking to establish the proposed lawful use of the ground floor post office unit on Camden High Street as a Class E(g)(i) office. The existing retail unit is shown on the existing plan (plan ref. 1638 1.002) and measure 290 sqm plus ancillary space. The new office unit is shown on the enclosed proposed plan (plan ref. 1638. 1.003) and would result in an office unit measuring 270 sqm in total. The Certificate does not establish a change to the overall quantum of floor area within the unit, however, it will bring some of the ancillary space into active office use. The Certificate does not seek any internal or external changes.

This Certificate follows the grant of a separate Certificate of Existing Lawful Use (LPA Ref. 2015/2752/P) that certified that the lawful use of all ground floor units of 112 – 124 Camden High Street as Class A1 retail. The Certificate was granted on 8 July 2015, and the reason for the decision was *that “the use began more than ten years before the date of the application.”* It is the case that the existing ground floor has been established as retail for many years prior to this Certificate application. In addition, planning permission was granted on 19 February 2020 (LPA Ref. 2019/1602/P) for change of use of the first and second floors from ancillary retail to office and erection of a rear extension at second floor level. The permission also included formation of a new office entrance and formation of a new ground floor internal corridor and associated alternations to the front of the retail building. That development is partially completed.

If granted, the CLOPUD can be relied upon as determinative of what uses are lawful. Accordingly, the following evidence is provided with this CLOPUD application:

- Location Plan ref. 1638 1.001;
- Existing Ground Floor Plan ref. 1638 1.002;
- Proposed Ground Floor Plan ref. 1638 1.003 ;

## **Legislative Framework**

### Legislation for CLOPUD Application

The relevant law for determining a CLOPUD application is contained in section 192 of Town and Country Planning Act 1990 (TCPA 1990) (as amended). Section 192 (2) provides that:

*“If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in this application would be lawful if instituted or begun at the time*

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*of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”*

Paragraph 006, Reference ID:17c-006-20140306 of the Planning Practice Guidance (PPG) sets out guidance in relation to considering applications for a Certificate of Lawfulness. It states that:

- The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land.
- local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.
- In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

#### Legislation for Use Class Order

The previous Certificate (LPA Ref. 2015/2752/P) granted in 2015 established that the existing lawful use of the ground floor units at 112 – 124 Camden High Street are retail (former Class A1 of the Use Classes Order) on the basis the use began more than ten years before the date the application was submitted, as cited on the decision notice. The consented 2020 planning application retained the A1 retail unit at the ground floor with some minor changes to facilitate an entrance for the new office use on the upper floors. The layout on site now reflects the internal changes approved in 2020, with the retail unit in situ on the ground floor the subject of this Certificate Application.

Use Class A1 was revoked by the Town and Country Planning (Use Classes) (Amended) (England) Regulations 2020. The uses which fell under this class are now split across the following Use Classes:

- E(a)** *Display or retail sale of goods, other than hot food;*
- E(b)** *Sale of food and drink for consumption (mostly) on the premises;*
- E(c)** *Provision of:*
  - E(c)(i)** *Financial services;*
  - E(c)(ii)** *Professional service (other than health or medical services); or*
  - E(c)(iii)** *Other appropriate services in a commercial, business or service locality.*
- E(d)** *Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- E(e)** *Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- E(f)** *Creche, day nursery or day centre (not including a residential use)*
- E(g)** *Uses which can be carried out in a residential area without detriment to its amenity:*
  - E(g)(i)** *Offices to carry out any operational or administrative functions,*
  - E(g)(ii)** *Research and development of products or processes*
  - E(g)(iii)** *Industrial processes*

#### Current Use Assessment

The current Certificate (LPA Ref. 2015/2752/P) granted previously at the site has established the use of the ground floor as retail under the former Class A1 of the Use Classes Order. The use began more than ten years before the date the Certificate Application was submitted. Following this, planning has been granted (LPA Ref. Ref. 2019/1602/P) to change the upper floors within the building from retail to office. The ground floor unit is maintained as retail and has been reconfigured in line with the 2020 consent to allow for the creation of a new



entrance into the newly created office units above. The proposals are currently being built and are substantially complete. The ground floor unit the subject of this Certificate application therefore has a lawful retail use.

It should also be noted that the decision notice granted for the 20202 permission did not include any conditions restricting the use or occupation of the property within a A1 retail use specifically.

As noted above, on the 21st July 2020 the government published the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on the 1st September 2020. As part of these amendments to the Use Class Order, the former A1 use class was revoked, and replaced by the new Use Class E(Commercial, Business and Service), which encompasses a broad and diverse range of uses suitable for town centre locations. The existing retail use is now deemed Class E(a).

Given the above, the retail unit can now operate within the broad spectrum of Class E. The proposed use within Class E(g)(i) will represent a lawful use that does not require express planning permission.

### **Summary**

The body of evidence provided in this letter and submitted as part of this application demonstrates that the site has a lawful Class E use and in addition there are no conditions restricting the use or occupation of the property within a retail use specifically.

As such, the existing use is eligible for a Certificate of Lawful Proposed Use for use of the ground floor retail unit (Class E(a)) as an office (Class E(g)(i))”

I trust that everything is in order. Please do not hesitate to contact me as set out at the head of this letter if you require any further information.

Yours faithfully

**Giuseppe Cifaldi**  
Associate

Enc. As above