

OUR REF: AE/DM/NJR00634
PP REF: PP-11163421

Planning,
Camden Council,
Camden Town Hall,
London,
WC1H 8ND

8th July 2022

Dear Sir / Madam,

APPLICATION FOR CERTIFICATE OF LAWFUL EXISTING USE IN ACCORDANCE WITH SECTION 191(1) OF THE TOWN AND COUNTRY PLANNING ACT 1990
SHURGARD EUSTON, 1 STANHOPE STREET, LONDON, NW1 3FL

I write on behalf of our client, Shurgard UK Ltd, (the Applicant), to submit an application for a Certificate of Lawfulness for the Existing Use of the site at 1 Stanhope Street, London, NW1 3FL (the Application Site).

This application is submitted under section 191 of the Town and Country Planning Act 1990 as amended by section 10 of the Planning and Compensation Act 1991 and the Town and Country Planning (General Development Procedure) Order 1995, as amended.

This application seeks to demonstrate that the lawful use of the site at ground and basement levels comprise Use Class B8 (Storage and Distribution). We believe this is sufficiently evidenced by the below information and enclosed submission material.

Site Description

The Application Site is located to the western side of Stanhope Street and comprises Shurgard Self-Storage at ground and basement levels, accessed from Stanhope Street at ground floor.

The Regents Park Children's Centre (Use Class F1(a)) is accessed via Augustus Street and, due to changing topography, is located at part-ground and first floor level, with associated rooftop playground. The Regents Park Children's Centre falls within the red-line boundary of the Application Site but does not form part of this Certificate.

Application Considerations

This application for a Certificate of Lawfulness seeks to establish that the use of the site is B8 (Storage and Distribution) is lawful.

Section 191(1) of the Act states:

*“(1) If any person wishes to ascertain whether—
(a) any existing use of buildings or other land is lawful;
(b) any operations which have been carried out in, on, over or under land are lawful; or
(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,
he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.”*

This application is therefore made in accordance with Section 191(1) of the Act. In this case no such enforcement action has been raised and the site benefits from Planning Permission L12/3X/A/29483. This permission has been implemented under the terms of Section 56 which states:

1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
- (b) if the development consists of a change in use, at the time when the new use is instituted;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b)

Paragraph 006 (Ref ID: 17c-006-20140306) of the Lawful Development Certificate Guidance details that the applicant is responsible for providing sufficient information to support a submission. The evidence to demonstrate that the use was initiated as per criterion (b) above submitted with this application is detailed as follows: -

- Confirmation of site planning history: -
 - a. Decision Notice dated 14 December 1979 (app. ref. L12/3X/A/29483);
 - b. Decision Notice dated 9 January 2019 (app. ref. 2018/3811/P).

Planning permission (app. ref. L12/3X/A/29483) was granted on 14th December 1979 for

‘Use of the ground floor and basement for the storage of cars awaiting servicing and sale.’

The storage of cars, and the self-storage of goods of any kind, are both uses that fall under Class B8 of the Town and Country Planning (Use Classes) Order 1987, and therefore planning permission was not required for the change to the self-storage of goods because changes of use within a Use Class do not constitute development (section 55 (2) (f) of the 1990 Planning Act).

On 9th January 2019 planning permission (app. ref. 2018/3811/P) was granted by the Council for alterations to the ground floor frontage of the vacant former car storage facility, including the signage advertising the Camden Property as a self-storage facility. The grant of permission for the self-storage signage, and for the security shutters required for a self-storage facility, reflect the fact that the Council

was aware of, and satisfied as to the lawfulness of, the use of the Camden Property for self-storage.

Paragraph 006 (Ref ID: 17c-006-20140306) continues to state the following:

“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”

As detailed above, the planning history contained within the submission clearly demonstrates that the site has been in continuous use as Use Class B8 for a period in excess of four years. This evidence is further supplemented by existing survey plans.

The full site planning history is provided in the Appendix.

As detailed above, the planning history contained within the submission clearly demonstrates that the use of the property as Use Class B8 was initiated under Planning Permission reference L12/3X/A/29483. This use has been maintained since continuously since implementation and endures to this current day.

On this basis it is considered that there is clear evidence that the use of 1 Stanhope Street, London, WC1H 0ND is lawful by virtue of Section 191 of the Act, and thus it is respectfully requested that the certificate herein applied for is granted.

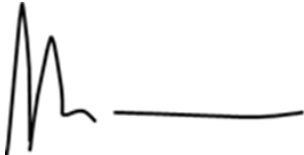
Scope of the application

The following documents are submitted with the application via the planning portal:

- This covering letter prepared by ROK Planning;
- The completed application form;
- The relevant application fee of £468;
- Site Location Plan;
- Confirmation of site planning history: -
 - Decision Notice dated 14 December 1979 (app. ref. L12/3X/A/29483);
 - Decision Notice dated 9 January 2019 (app. ref. 2018/3811/P).

I trust that you have all the information you require to validate this application. If, in the interim, you have any queries please do not hesitate to contact either Daniella Marrocco (daniella.marrocco@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

Yours faithfully,



Alun Evans

Director

ROK Planning

T: 07739 199711

E: alun.evans@rokplanning.co.uk

Appendix - Site Planning History

LPA Ref.	Address on Planning Register	Description	Decision
2018/4302/A	Basement and Ground Floors Former Car Storage Facility Stanhope Street London NW1 3RA	Display of internally illuminated (lettering/logo only) fascia signs and 2 internally illuminated (lettering/logo only) projecting box signs.	Granted 09/01/2019
2018/3811/P	Basement and Ground Floors Former Car Storage Facility Stanhope Street London NW1 3RA	Alterations to ground floor frontage.	Granted 09/01/2019
L12/3X/A/29483	Regent's Park Day Nursery, Stanhope Street, NW1	Use of the ground floor and basement for the storage of cars awaiting servicing and sale.	Granted 14/12/1979
L12/3X/A/3364	South of Augustus House between Augustus Street and Stanhope Street.	Erection of a building comprising two storeys of parking accommodation and one storey for use as a day nursery on the site south of Augustus House between Augustus Street and Stanhope Street	Granted 12/04/1967