

Camden Council
Planning - Development Control,
Camden Council,
Camden Town Hall,
London,
WC1H 8ND

05 August 2022

Dear Sir / Madam

**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE UNDER SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991) IN RELATION TO THE PROPOSED USE OF 44-46 CAVERSHAM ROAD, LONDON, NW5 2DS
APPLICATION ON BEHALF OF ENTERPRISE RENT-A-CAR UK LTD**

Please find enclosed an application for a Lawful Development Certificate to confirm the proposed use of 44-46 Caversham Road, NW5 2DS (herein referred to as "the Site") for open storage of rental vehicles is lawful within the meaning of Section 191 of the Town and Country Planning Act (as amended). The application has been submitted on behalf of Enterprise Rent-A-Car UK Ltd, via the Planning Portal under reference **PP-11449824**.

Enterprise Rent-A-Car UK Ltd (herein referred to as "Enterprise") are a prospective tenant for the Site which is owned by The Arch Company (who have a long (150 year) lease) and Network Rail (who have the freehold). Enterprise have informed both the Arch Company and Network Rail of this application for Certificate of Lawful Use (Proposed).

Enterprise propose to use the Site to store their rental vehicles (only) i.e. with no public access. In this regard Enterprise's proposed use of the Site is for open storage (of rental vehicles). They are looking to establish that their proposed use of the site is lawful without the need for planning permission, and to confirm that no enforcement action can be carried out against their proposed use, prior to their entering into an agreement to lease the site for their use as open storage for their rental vehicles.

Their use would comprise the open storage of rental vehicles which falls within use class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application comprises the following:

- Application Form;
- Site Location Plan (ref. PPL 001) - identifying the land to which the application relates;
- This Covering Letter setting out evidence to verify the proposed use of the Site; and setting out the applicant's interest in the land.

The application fee of £231.00 (plus £32.20 Planning Portal Service Charge) for Certificate of Lawful Use Proposed (CLUP), has been paid directly to the Planning Portal.

Lawful Use

This application for a Certificate of Lawful Use Proposed (CLUP) relates to Enterprise's proposed use of the Site (44-46 Caversham Road, NW5 2DS) to store their rental vehicles (only), i.e. with no public access. A Site Location Plan (reference PPL001) has been submitted to identify the land to which this application relates.

An application for a Certificate of Lawful Use Existing Development (CLUED) was submitted with regard to the Site in 2004 (under reference 2004/1361/PA) to establish the existing use of the yard as an open storage yard for building materials. The Council certified the existing use as an open storage yard for building materials was lawful in a decision issued on 20th May 2004 (see Appendix 1)

The CLUED issued by the Council establishes the lawful use of the Site and the lawful use falls within Use Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Enterprise's proposed use of the Site for open storage of its rental vehicles also falls within Use Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The rental vehicles will be stored at surface level only i.e. there will be no use of stackers. There is also no public access into the Site proposed by Enterprise such that vehicle movements into and out of the Site will be limited to those required for the purpose of storing the rental vehicles at the Site, similar in nature to the operation required to store building materials (the existing lawful use of the Site). For the avoidance of doubt, Enterprise will not use the Site for parking in its traditional sense. Therefore, there will be no material change to the existing lawful use of the site – noting there are no height restrictions for the storage of building materials or vehicle movement restrictions associated with distributing the building materials stored on Site conditioned on the CLUED issued in 2004 (ref. 2004/1361/PA).

Where Enterprise's proposed use of the Site falls within the same Use Class as the lawful use of the Site planning permission is not required for Enterprise's proposed use of the Site. Moreover, the nature of the existing and proposed uses are not materially different. As such, Enterprise's proposed Use of the Site is also lawful and no enforcement action can be carried out against their proposed use of the Site.

We trust the application is complete and you are able to register and acknowledge it at your earliest convenience.

We would be grateful if you could contact us to discuss earliest issue of the requested Certificate of Lawful Use (proposed) to confirm Enterprise's proposed use as lawful as soon as possible.

Yours faithfully



Chris Dodds, MRTPI – Associate Director
For and on behalf of Planning Prospects Ltd

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Appendix 1 – Certificate of Lawful Use Existing Development (Ref. 2004/1361/PA)

SR

RECEIVED 28 MAY 2004

Meers Civil Engineering Limited
18 Leighton Road
Kentish Town
London
NW5 2QE



Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1975
Textlink 020 7974 6866

env.devcon@camden.gov.uk
www.camden.gov.uk/planning

1361/P04
Application Ref: 2004/1361/P
Please ask for: **Phillip Clark**
Telephone: 020 7974 5809

20 May 2004

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990, Section 191 and 192 (as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (General Development Procedure) Order 1995

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 22 April 2004 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:

Certificate of Lawfulness (existing) for use of the yard as an open storage yard for building materials.

Drawing Nos: 1985 Lease Agreement; Nos. 1 & 2

Second Schedule:

44-46 Caversham Road
London
NW5 2DS

Reason for the Decision:

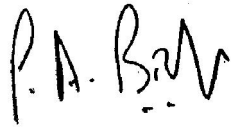
- 1 The use began more than ten years before the date of this application.



INVESTOR IN PEOPLE

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

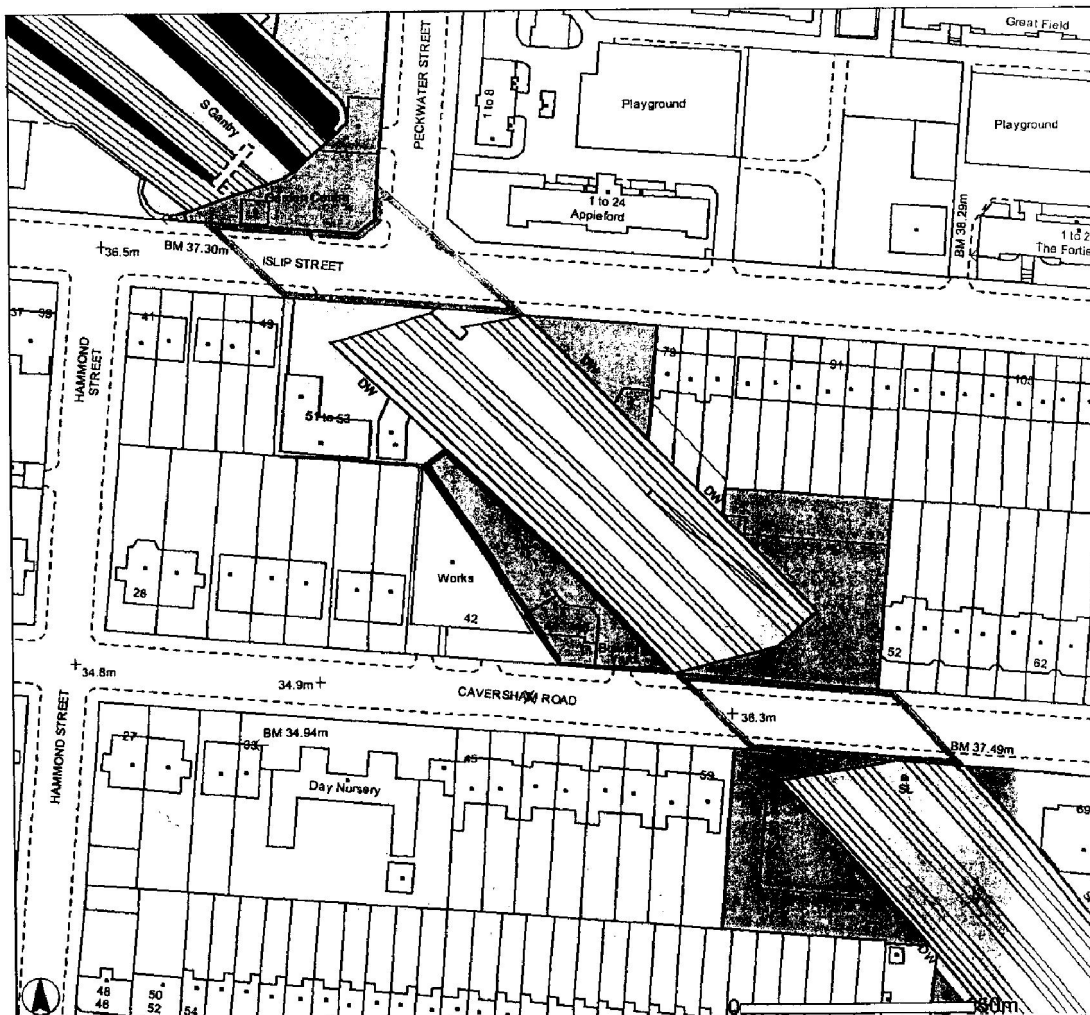
Yours faithfully



Environment Department
(Duly authorised by the Council to sign this document)

Notes

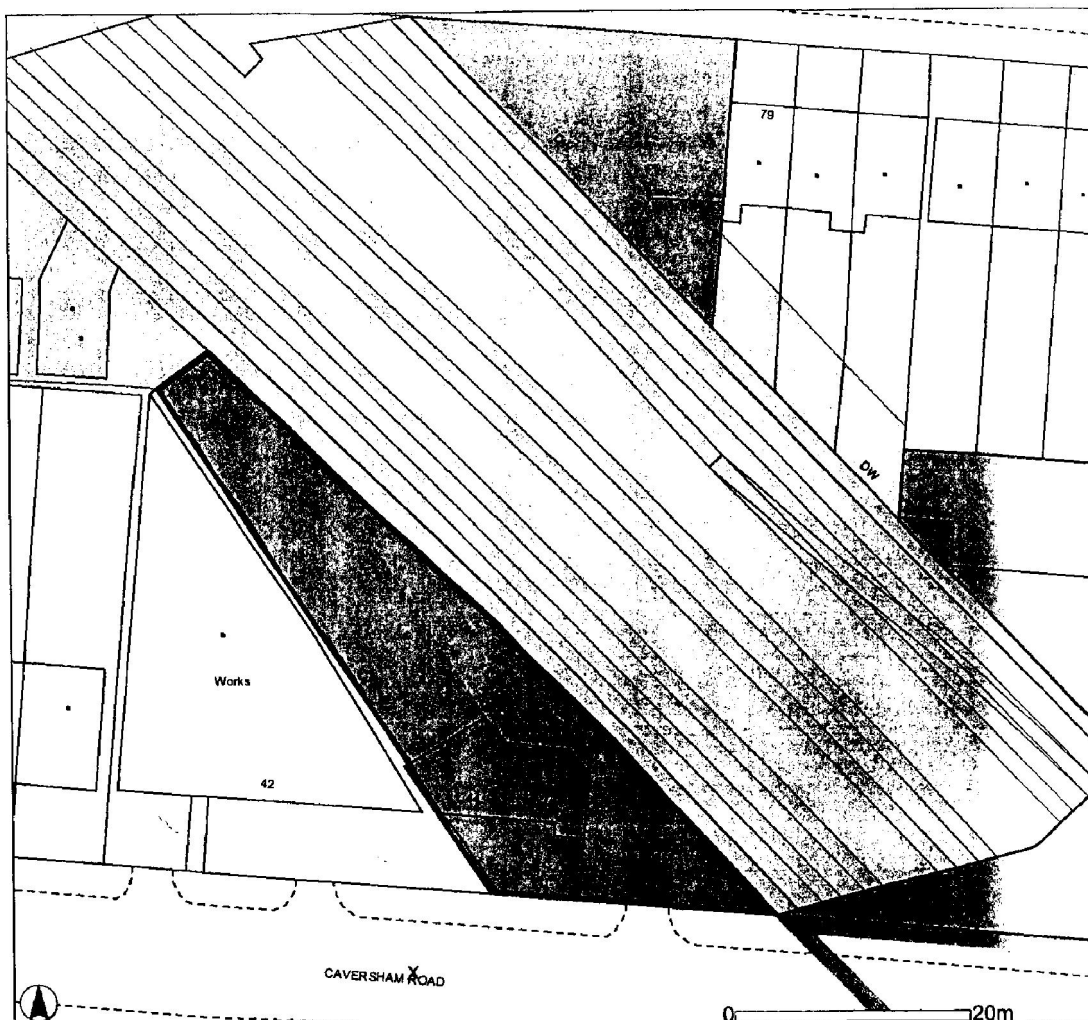
1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/~~would have been~~* lawful on the 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.



Centre of Map Window (E.N): 529273 , 184982

Scale 1:1250

2004/1361/P



Centre of Map Window (E,N): 529273 , 184982

SCALE 1:500

2004/1361/P

04/02/2004