

Application ref: 2022/3861/P  
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Date: 10 November 2022

**Development Management**  
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Mr Daniel Dolezar  
Flat 4  
17 Rosemont Road  
London  
NW3 6NG

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 flat for purposes associated with a private hire vehicle operator, ancillary to the main residential use.

Drawing Nos: Site location plan; Video footage (showing the internal arrangement and layout of Flat 4).

Second Schedule:

**Flat 4**  
**17 Rosemont Road**  
**London**  
**NW3 6NG**

Reason for the Decision:

- 1 The proposed use of part of the property as an office for a private hire vehicle 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 the use as described above. You are advised that any intensification of business use at the site, beyond what is sought in this application, is likely to require planning permission. Should customers visit the property and/or vehicles associated with the use park in the area or use the area as a set-off/drop-off point, or result in any increase in activity on or close to the application site, then this might constitute a material change of use for which planning permission would be required.
- 2 The installation of any associated advertisements may require advertisement consent and might be indicative of an intensification of the use which may also require 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 2021.

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\*/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.