



Est. 1897

The Heath & Hampstead Society

President Lord Mance Chair Marc Hutchinson
Patrons Lord Bragg CH Lord Hoffmann Lady Hopkins Sir Simon Jenkins
Bill Oddie OBE Tom Oliver Sir John Tusa

Planning Department
The London Borough of Camden
Attention: Sonia Cupid, Case Officer

24 January 2023

Dear Case Officer

In the matter of an Application for a Lawful Development Certificate for an Existing Use in respect of the North Fairground Site, Vale of Health, Hampstead, London NW3 1AU: 2021/5819/P

As the conservation charities for the area which includes the above site, we are writing to make a submission to you in connection with the above application.

Both our societies were involved, in support of Camden, in the 2019 planning appeal in relation to the site which concerned an unsuccessful application for permission to erect static caravans. Like Camden, we are determined to prevent unlawful development of the site, which is Metropolitan Open Land on the edge of Hampstead Heath.

We have read the materials relating to this new application on Camden's planning website and assume all the relevant materials have been uploaded there.

In our submission, Camden should not grant the certificate sought for the reasons outlined by our Counsel, David Altaras, in his Advice to us, a copy of which we attach. Mr Altaras represented us at the 2019 appeal and so is fully aware of the background to the present application. In essence, he advises that the matter you are being asked to determine was conclusively determined by the inspector in that appeal, that the present applicant has not produced evidence which changes the position as determined by the inspector, and that the parties to that appeal are bound by the appeal decision according to the legal doctrine of *res judicata*. It may be that you will wish to consult William Bartlett on this central legal issue.

There is a further important point to which we specifically draw your attention. Although it was the opinion of Charles Thuaire, the case officer on the 2019 appeal, that the site probably enjoyed a "mixed use" – a point on which the present applicant heavily relies – Mr Thuaire's opinion was not accepted by the inspector. You will see that the Advice from Mr Altaras (which has been reviewed by other lawyers who are trustees of the Heath & Hampstead Society) is very clear and, if Camden were to grant the certificate sought, the societies would have standing to seek a judicial review, and reserve their right to do so.

As the conservation charities for the affected land, we would expect to be consulted by you in advance in relation to your proposed decision, and, if there is any aspect of this letter and the Advice you would like to discuss, please do not hesitate to contact us.

Yours sincerely,

[Redacted]
Marc Hutchinson
Chair
The Heath & Hampstead Society
Mob: 07768 827 405

[Redacted]
Zlatina Loudjeva /
Chair
The Vale of Health Society

