

London Office:
80-83 Long Lane
London
EC1A 9ET

30th January 2026

Sent via planning portal only

Dear Sir/Madam,

CERTIFICATE OF LAWFUL DEVELOPMENT (EXISTING) WITH RESPECT TO EXISTING INTERIM INDUSTRIAL YARD USE AND SITING OF TEMPORARY PORTACABINS

RE: INTERNATIONAL HOUSE, TARIFF ROAD, LONDON N17 0DY

This is an application under Section 191(1)(a) of the Town and Country Planning Act 1990 to obtain a Lawful Development Certificate to confirm that the interim industrial yard use and siting of temporary portacabins is not development and thus lawful.

Description of Proposal

Use of the site for industrial yard operations and associated open storage (Use Class B2 & B8), together with the siting of two temporary portacabins for ancillary office and welfare purposes.

With regard to Section 55 of the Act, it is contended that the existing arrangements:

- Do not amount to a material change of use from the site's lawful industrial use; and
- Do not constitute operational development.

The interim arrangements are temporary in nature and are in place pending implementation of the comprehensive redevelopment (ref: HGY/2024/1798) approved at Planning Sub Committee on 4th March 2025 (subject to S106).

Site and Lawful Use

The application site comprises International House, Tariff Road, London N17 0DY, located within the Brantwood Strategic Industrial Location (SIL). The site contains industrial buildings with associated hardstanding and external yard areas.

The lawful use of the site falls within Use Classes B2 (General Industrial) and B8 (Storage and Distribution). This is evidenced by the long-established use of the site for industrial purposes, including the former bath manufacturer which utilised the existing industrial / warehouse buildings and the

open-air storage yard. This lawful established use is confirmed within the committee report for the comprehensive redevelopment (ref: HGY/2024/1798).

Description of Interim Arrangements

As noted above, the existing use of the site is industrial in character and falls within Use Classes B2 (General Industrial) and B8 (Storage and Distribution).

Interim use:

The site is currently used to support the same business operations as the approved redevelopment scheme, namely:

- Herts Heritage's headquarters and industrial operations; and
- Associated scaffolding storage and handling for its sister company, Pride.

The use of the site therefore remains within B2/B8, with ancillary office functions, and does not introduce any new use or activities.

The interim use allows continued operation of the business and generation of income pending delivery of the approved redevelopment.

Portacabins:

The site includes two stacked portacabins, comprising:

- one portacabin used in connection with Herts Heritage; and
- one portacabin used in connection with Pride.

The portacabins are used solely for ancillary office and welfare purposes in connection with the industrial use of the site.

They are:

- temporary and moveable structures;
- sited directly on existing hardstanding;
- not fixed to the ground and without foundations; and
- are to be removed prior to occupation of the approved redevelopment.

No additional portacabins, structures, or permanent infrastructure are present.

Assessment against Section 55 of the Act

Section 55(1) of the Town and Country Planning Act 1990 (as amended) sets out that planning permission is required for "development", including either building operations or a material change of use. It confirms that for the purpose of the Act "building operations" includes:

- (a) demolition of buildings*

- (b) rebuilding*
- (c) structural alterations of or additions to buildings; and*
- (d) other operations normally undertaken by a person carrying on business as a builder.*

The siting of temporary structures such as portacabins does not automatically constitute “building operations” for the purposes of Section 55 and is a matter of fact and degree. This issue has been considered in a number of court decisions, which establish the relevant tests for determining whether such structures amount to operational development.

Operational Development:

Whether a structure constitutes operational development is a matter of fact and degree, informed by case law. The relevant principles are established in, amongst others:

- *Barnes v Secretary of State (1968)* – size, permanence and physical attachment; and
- *Newbury District Council v Secretary of State (2001)* – degree of permanence, physical attachment and removability.

Applying these principles:

- the portacabins are not physically attached to the land;
- they have no foundations and rely on their own weight;
- they are temporary in duration; and
- they are readily removable without engineering works.

Having regard to their limited scale, temporary nature and ancillary function, the portacabins do not constitute operational development for the purposes of Section 55 of the Act.

Material Change of Use:

The existing use remains within the established lawful use of the site (B2/B8) and does not materially intensify the lawful use of the site.

The use of ancillary office portacabins in association with industrial yard operations is a normal and incidental feature of B2/B8 use and does not alter the overall character of the site.

Temporary Nature and Relationship to the Approved Development:

The interim arrangements are expressly temporary and will not prejudice the implementation of the approved redevelopment under: HGY/2024/1798 (pending S106). In particular:

- No permanent buildings or infrastructure have been created;
- The portacabins will be removed prior to occupation of the approved redevelopment; and
- The interim use supports business continuity and assists in funding the delivery of the approved scheme.

The existing arrangements do not conflict with, undermine, or pre-empt the approved redevelopment, which is subject to ongoing S106 discussions.

Conclusion

The use of the site for industrial yard operations and the sitting of temporary portacabins is not development, as defined by Section 55 of the Town and Country Planning Act 1990, since the use of the site remains within B2/B8, with ancillary office functions and does not involve building operations.

The existing arrangements are therefore lawful under Section 192 of the Town and Country Planning Act 1990, and it is respectfully requested that the Local Planning Authority issues a Certificate of Lawfulness (Existing) accordingly.

I trust the commentary above is clear but please do not hesitate to contact me if you have any queries or if I can offer any further points of clarification.

Yours sincerely,

Danielle Shaw
Senior Planner
SM Planning