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Our ref: 2026-069

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Dear Sir/Madam,

RE: Application for a Lawful Development Certificate for a Proposed Use or Development

Site: Prologis Distribution Park, Stockley Road, West Drayton, UB7 9FN

Planning Portal Reference: PP-14952757

On behalf of our client, Newsteer hereby submits an application for a Lawful Development Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended, hereafter 'the Act') to confirm that the proposed internal alterations to the existing warehouse at Prologis Distribution Park, Stockley Road, West Drayton, UB7 9FN ('the Site') constitute lawful development for which planning permission is not required.

The application has been submitted via the Planning Portal and comprises this cover letter and the following documents:

- Application Form;
- Site Location Plan (drawing ref. 26046-ASA-00-EX.SI-D-A-0001);
- Mezzanine Building Plan (drawing ref. 26046-ASA-00-ZZ.ZZ-D-A-0002).

Background

The application site benefits from outline planning permission ref. 18399/APP/2004/2284, granted in August 2005. This consent sought to redevelop the site for a mix of employment uses (Use Classes B1, B2 and B8) and the wider site for up to 101 dwellings (Class C3). The application site itself relates solely to the employment component of the wider scheme.

The outline permission was subsequently varied under ref. 18399/APP/2005/3415, approved in January 2006, to allow for the phased submission of reserved matters, enabling the residential and employment elements to be brought forward independently.

The subsequent Reserved Matters application under ref. 18399/APP/2009/423, was granted in May 2009.

Application Ref. Number	Description of Development	Decision and Date
18399/APP/2004/2284	Redevelopment of the site for a mixed use comprising (Use Classes B1(a) and (c), B2 and B8) Employment Uses and C3 Residential Use (up to a maximum of 101 units) with associated access, parking and landscaping (outline application).	Approved August 2005
18399/APP/2005/3415	Variation of conditions 2,3,7,8,10,11,13,20, 21,22,26,29 & 30 (to allow separate phased submissions of details relating to residential and employment components of the development) of outline planning permission ref.18399/ app/2004/2284 dated 19/08/2005: redevelopment of the site for a mixed-use development comprising use classes b1(a) & (c), b2 and b8 employment uses and c3 residential use (up to a maximum of 101 units) with associated access, parking and landscaping	Approved January 2006
18399/APP/2009/423	Reserved matters (details of siting, design, external appearance and landscaping) of unit b (employment component) in compliance with condition 3 of planning permission ref.18399/app/2005/3415 dated 27/01/2006: variation of conditions (to allow separate phased submissions of details relating to residential and employment components of the development) of outline planning permission ref. 18399/app/2004/2284 dated 19/08/2005: redevelopment of the site for a mixed-use development comprising use classes b1(a) & (c), b2 and b8 employment uses and c3 residential use (up to a maximum of 101 units) with associated access, parking and landscaping.	Approved May 2009

There are no conditions within the above that seek to control internal alterations to the warehouse in the form of mezzanines.

Proposed Development

The purpose of this Certificate of Lawfulness application is to establish that the internal alterations at the existing warehouse at the Site comprise lawful development for which planning permission is not required.

Planning Assessment

Section 192 of the Town and Country Planning Act 1990 (as amended) makes provision for an application to be made to a Local Planning Authority (LPA) by anyone who wishes to ascertain whether any proposed use of a building would be lawful.

The proposed internal alterations have been assessed against the relevant provisions of Section 55 of the Town and Country Planning Act 1990 (as amended) in order to determine whether they constitute development requiring planning permission.

For the avoidance of doubt, Section 55 (2) of the TCPA sets out the categories of work that do not amount to development which includes:

- Interior alterations (except mezzanine floors in retail units greater than 200 sqm in size);
- Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to a building's external appearance; and
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

In this context, the installation of a mezzanine floor within a building in non-retail use is not typically regarded as development, provided that a number of key tests are satisfied:

- The works do not result in external alterations;
- The works are within an existing building;
- The works must not be precluded by any planning condition(s) or an obligation in a section 106 agreement that binds the property; and
- The works do not result in a material change of use of the building.

Each of these criteria are addressed below.

Works within an existing building

The existing building benefits from planning permission and has been built out in accordance with the approved plans as highlighted in the aforementioned planning history. It is therefore clear that the works are confined to an existing building, satisfying this requirement.

Internal works only

The proposed internal works would affect the interior of the building with no visible external alterations to the envelope of the existing building. Accordingly, the proposals fall squarely within the scope of internal works which do not require planning permission.

Absence of restrictive planning conditions or S106 obligations

A review of the relevant planning history indicates that there are no conditions attached to operative consents that would restrict the undertaking of internal alterations or the installation of mezzanine structures. Furthermore, there are no planning obligations that would restrict the proposed internal works.

No material change of use

The building is lawfully used for storage and distribution purposes within Use Class B8. The proposed works are intended to support and enhance this established use by improving internal functionality and increasing operational capacity. The development would not alter the character or nature of the existing use and would not give rise to a material change of use.

Summary

On this basis and as demonstrated by the drawings and information provided with this CLOPUD application we respectfully request that a CLOPUD be issued, confirming that the works would be lawful and planning permission is not required.

In the meantime, we look forward to receiving acknowledgement of our submission and should you wish to discuss the application further, please do not hesitate to contact me or my colleague Serena Page (serena.page@newsteer.co.uk / 07557 789080).

Yours faithfully,



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