

To Whom It May Concern

29 April 2024

Dear Sir/Madam

Re: The Victoria Tottenham, 34 Scotland Green, Tottenham, London, N17 9TT (the “Property”)

We have been asked to provide a formal analysis of one of the conditions to a planning permission (reference HGY/1991/0554) granted on 2 December 1991 in respect of the Property (the “**Planning Permission**”).

The Planning Permission permitted the erection of a single storey extension at the Property, “*to provide a new function room and internal alterations*”.

We understand that those works were completed very many years ago.

The condition in question reads as follows:-

No music, live concerts or other amplified sound shall emanate from the site which, in the opinion of the Environmental Health Service acting on behalf of the Local Planning Authority, cause nuisance to any adjacent occupier after 23:00 on any day.

(the “**Condition**”)

We understand that a view has been proffered by one of the planning officers at the London Borough of Haringey that the Condition means that any proposal to play music, live concerts of amplified sound after 23:00, on any day, requires a fresh planning permission.

In other words, that the Condition prohibits such activities after 23:00.

This is not the case.

The wording of the condition is in fact clear. It prohibits music, live concerts and other amplified sound from **emanating** from the site in such a way (in the opinion of the Environmental Health Service) as to **cause** a nuisance after 23:00 to an adjacent occupier.

The Condition would only be breached if music, live concerts and other amplified sound emanated from the site, after 23:00, **and** that caused a nuisance (in the opinion of the Environmental Health Service).

If such activities took place after 23.00 but did not cause a nuisance, there would be no breach of the Condition.

We do not see any ambiguity here, but a condition which is ambiguous as to its meaning would be ultra vires; thus unenforceable.

Yours faithfully

A handwritten signature in black ink that reads "Keystone Law". The signature is written in a cursive, flowing style.

Keystone Law

