



Appeal Decision

Site visit made on 22 September 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2026

Appeal Ref: APP/X5210/X/25/3368500

Imperial Hotel, 61-66 Russell Square, London, WC1B 5BB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Stuart Minty (SM Planning) against the decision of the Council of the London Borough of Camden.
 - The application ref: 2025/0864/P, dated 27 February 2025, was refused by notice dated 24 April 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the installation of external lighting.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operations which are found to be lawful.

Preliminary Matters

2. By the time of my site visit, external lighting had been installed. Nevertheless, I am still able to consider the appeal under s192(1) of the 1990 Act because the determination is to be made as to whether the proposed development, as shown on the submitted plans, would have been lawful at the time of the application. To that end, the onus of proof lies with the appellant to make his case on the balance of probabilities.
3. I note the Council's reference to its Planning Guidance which states that lighting used inappropriately can result in light pollution which is intrusive and can impact on residential amenity and wildlife. However, such matters, insofar as they relate to planning merits, can form no part of my assessment of the LDC, which must be considered in the light of the facts and the law.

Main Issue

4. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded. That turns on whether the proposal would amount to development requiring planning permission.

Reasons

5. The appeal relates to a substantial, ten-storey, mid-20th Century hotel built in the modernist style with a very clear horizontal emphasis created by the consistent alternating bands of faceted concrete blocks and windows.

6. The proposed external LED strip lighting would be attached to the front façade of the building, mounted flush to the bottom edge of the balconies on each floor and within the vertical frame of the roof level bar. The fitting and bracket of the façade lighting would project approximately 25mm off the building, following the lines of existing architectural features, with the lighting body adding a further 25mm. The vertical lighting within the frame of the sky bar would measure 21mm in width, 11mm in depth and would be located within the existing metal infill. The purpose of the scheme would be to provide what is described as subtle architectural illumination across the façade.
7. S55(1) of the 1990 Act provides a broad definition of development and includes building operations in, on, over or under land. The term 'building operations' is defined for the purposes of the 1990 Act in s55(1A) as including demolition, rebuilding, structural alterations of or additions to buildings, and other operations normally carried on by a person in business as a builder.
8. Fixing external lighting strips to nearly the full width of a 63m wide building over nine storeys and to the vertical frame at roof level, is a relatively extensive undertaking. Whilst the works may be reversible, the lighting is fixed in place and there is no suggestion that it would have anything other than a high degree of permanency. The lighting installation is therefore an addition to the building, amounting to building operations, on the balance of probabilities.
9. However, s55(2)(a)(ii) excludes from the definition of development works for the maintenance, improvement, or other alteration of any building which do not materially affect its external appearance. It was held in *Burroughs Day*¹ that, for works to 'materially affect' external appearance, the changes must be visible from a number of normal vantage points and material to the appearance of the building as a whole and not a part in isolation. It was also stated that visibility from the air or a single building would not suffice. Part of the materiality test must therefore include the degree of visibility, as well as the nature of the building and the nature of the alterations/works.
10. Given its size and prominent location overlooking Russell Square, the front elevation of the building has a high degree of visibility and is readily seen from numerous viewpoints by both pedestrians and drivers. This includes direct views from the west, where the affected elevation can be seen in its entirety. The building is also experienced within a particularly busy environment, reflecting its Central London location.
11. Despite those factors, and although I could discern the relatively faint dark bands formed by the lighting now fixed across the main façade, the very strong and imposing architectural composition of the building remains largely unaffected. Because of the separation between the bands of lighting, there is a limited cumulative effect and the highly pronounced horizontal emphasis created by the alternating bands of faceted concrete panels and windows remains the dominant feature of the elevation and the principal focus of visual attention. The lighting does not appreciably increase the perception of the building's already substantial massing, contrary to the Council's assertion. Moreover, as the building forms part of a terrace block, the front façade is not seen in combination with any other elevation.

¹ *Burroughs Day v Bristol CC* [1996] EGCS 126

12. For the avoidance of doubt, I have not considered whether the lighting as installed corresponds exactly with that shown on the application plans. However, given the scale, profile and alignment of the lighting scheme illustrated on those plans, I am satisfied that the above conclusions will remain equally applicable. I therefore conclude that the external lighting fixtures and associated fittings do not materially affect the external appearance of the building.
13. My attention has been drawn to the Divisional Court's findings in *Kensington and Chelsea RBC v CG Hotels* [1981] 41 P&CR 40, that where lighting fixtures themselves do not materially affect the external appearance of a building when unilluminated, their subsequent illumination does not of itself amount to a separate act of development. To put it another way, if the installation of the fixtures falls outside the definition of development, then the subsequent operation of the lighting system, involving no more than the passage of electricity through it, cannot be regarded as a building operation requiring planning permission.
14. In any event, when illuminated, the lighting would not alter the form or architectural composition of the building but would instead highlight its existing features during the hours of darkness. While this would represent a change from the appearance of the building without such illumination, it must also be considered in its existing context. The building is not a blank canvas during the hours of darkness and, given the extensive glazing across its entire frontage, is likely to present a relatively high degree of light spillage from within. Moreover, within its Central London context, architectural lighting of this nature is commonplace and is unlikely to be particularly noteworthy to passers-by.
15. Therefore, applying the principles established in *Burroughs Day*, I conclude that the proposed installation of external lighting as shown on the plans submitted with the application, would not materially affect the appearance of the building as a whole and thus would not amount to development by virtue of s55(2)(a)(ii) of the 1990 Act.

Other Matters

16. I note the Council's reference to an appeal decision relating to a site in Purley, which clearly sets out the approach for applications of this nature². Nevertheless, each case is inevitably fact specific and the proposed development in this case is incomparable to an application for the affixing of a metal frame, PVC coated welded mesh and faux ivy to the front gates of a residential property.

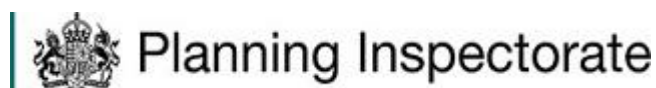
Conclusion

17. For the reasons given above, I conclude that the Council's refusal to grant an LDC is not well founded. The appeal should succeed, and I will exercise the powers transferred to me under s195(2) of the 1990 Act as amended.

Richard S Jones

INSPECTOR

² Appeal Ref: APP/L5240/X/19/3238690



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 27 February 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The installation of external lighting as depicted in the application plans would not materially affect the appearance of the building as a whole and thus would not involve development of the land by virtue of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 as amended.

Signed

Richard S Jones

INSPECTOR

Date: 16 October 2026

Reference: APP/X5210/X/25/3368500

First Schedule

Installation of external lighting

Second Schedule

Imperial Hotel, 61-66 Russell Square, London, WC1B 5BB

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified 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 which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 16 October 2026

by Richard S Jones

Land at: Imperial Hotel, 61-66 Russell Square, London, WC1B 5BB

Reference: APP/X5210/X/25/3368500

Scale: Not to Scale

