

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/23/3321948

Appeal By

FIRST RESTAURANT GROUP

Site Address

48 Rosslyn Hill
LONDON
NW3 1NH

PART 1

1.a. Do you agree to the written representation procedure?

Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

Yes No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes No

To assess impact on the elevational composition of a building. To assess impact on the Neighbourhood, Conservation Area, and listed building/s. To assess impact on the neighbouring residential occupiers.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?

Yes No

Please describe:

Proximity of A502

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?

Yes No

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)

Yes No

Please provide our reference numbers:

APP/X5210/W/23/3321951

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No

5.a. Is the appeal site within a conservation area? Yes No

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area:

Designated:

Plan of the conservation area:

[see 'Questionnaire Documents' section](#)

5.b. Is the appeal site adjacent to a conservation area? Yes No

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area:

Designated:

Please select from the options below:

[see 'Questionnaire Documents' section](#)

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes No

6.b. Is the area of the alleged breach different from the above? Yes No

6.c. Does the alleged breach create any floor space? Yes No

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes No

7.b. the deposit of materials remaining after mineral extraction? Yes No

7.c. the storage of minerals in the open? Yes No

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes No

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes No

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by Yes No

section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?

11. Has any planning permission been granted previously in respect of the development? Yes No

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

If YES, please provide

12.a. the date of the relevant application 11/01/2022

12.b. the date of the LPA's decision (if any) 19/12/2022

12.c. a copy of the decision (if any)
 see 'Questionnaire Documents' section

12.d. the reference number
2021/5658/P

13. Has a planning contravention notice been served? Yes No

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes No

If YES, please state which one.

A502

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes No

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes No

14.d. the appeal site is in or adjacent to or likely to affect a SSSI? Yes No

14.e. any protected species are likely to be affected by the alleged development? Yes No

14.f. the appeal site is in a Green Belt or AONB? Yes No

14.g. any part of the site is subject to a Tree Preservation Order? Yes No

14.h. the appeal site is within 400m of an area of underground or surface mineral interest? Yes No

14.i. the appeal site is within 250m of a waste landfill site? Yes No

14.j. does the development affect the setting of a listed building or ancient monument? Yes No

Please attach a copy of the listing.

see 'Questionnaire Documents' section

14.k. has importation of waste materials been involved in the development? Yes No

14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? Yes No

PART 5

15. Please provide a plan of any public rights of way affected by the site.

see 'Questionnaire Documents' section

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes No

17. Have any development rights been restricted by means of a planning Yes No

condition?			
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Schedule 1			
20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Schedule 2			
20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Environmental Statement (ES)			
20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
PART 6			
21.a. a copy of the letter with which you notified people about the appeal.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
the deadline you gave for their comments to be sent to us.		<input type="text" value="28/07/2023"/>	
21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
Policies/Planning Guidance			
22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.			<input checked="" type="checkbox"/>
List of policies		<input type="text" value="A1, D1, D2, D3"/>	
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.			<input type="checkbox"/>
22.c. extracts from any supplementary planning guidance, that you consider necessary, together			<input checked="" type="checkbox"/>

with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

List of supplementary planning guidance

Amenity CPG (2021) Design CPG (2021) (Introduction), 2 (Design Excellence), 3 (Heritage), 6 (Shopfronts)

[see 'Questionnaire Documents' section](#)

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

Date the DPD/Neighbourhood Plan is likely to be adopted:

31/10/2018

[see 'Questionnaire Documents' section](#)

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

22.g. your Authority's CIL charging schedule is being/has been examined;

22.h. your Authority's CIL charging schedule has been/is likely to be adopted.

22.i. any other relevant information or correspondence you consider we should know about.

[see 'Questionnaire Documents' section](#)

PART 7

23. A true copy of the Enforcement Notice

[see 'Questionnaire Documents' section](#)

24. The Enforcement Notice Plan (if applicable)

[see 'Questionnaire Documents' section](#)

25. A list of those served with the Notice

[see 'Questionnaire Documents' section](#)

26. Do you wish to attach your statement of case?

Yes No

[see 'Questionnaire Documents' section](#)

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

EN22/0760

Completed by

Karina Wujek

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/23/3321948

Appeal By FIRST RESTAURANT GROUP

Site Address
48 Rosslyn Hill
LONDON
NW3 1NH

The documents listed below were uploaded with this form:

- Relates to Section:** PART 2
Document Description: 5.a. Plan of the Conservation Area.
File name: Hampstead CAS (2001).pdf
File name: Streetscape Audit.pdf
- Relates to Section:** PART 2
Document Description: 4.a. Plan of the Conservation Area.
File name: Article 4 Hampstead CA map.pdf
File name: Hampstead Conservation Area Design Guide.pdf
File name: Article 4 Direction Notice and Schedules - Hampstead Conservation Area.pdf
- Relates to Section:** PART 4
Document Description: 12. A copy of the decision.
File name: 2021_5658_P Decision Notice.pdf
File name: 2021_5658_P Drawing PR 03 Revision A.pdf
File name: 2021_5658_P Drawing PR 10 Revision G.pdf
File name: 2021_5658_P Report.pdf
- Relates to Section:** PART 4
Document Description: 14.j. A copy of the listing.
File name: ROSSLYN HILL UNITARIAN CHAPEL - listing 1130399 Historic England.pdf
File name: Lamp post in the grounds of the Unitarian Chapel - listing 1096043 Historic England.pdf
- Relates to Section:** PART 5
Document Description: 15. A plan of any public rights of way affected by the site.
File name: Public rights of way not affected.docx
- Relates to Section:** PART 6
Document Description: 21.a. A copy of the letter with which you notified people about the appeal.
File name: Appeal notification letter 48 Rosslyn Hill.pdf
File name: Appeal notification letter - Historic England.pdf
File name: Appeal notification letter - Hampstead Neighbourhood Forum.pdf
File name: Appeal notification letter - Hampstead CAAC.pdf
- Relates to Section:** PART 6
Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
File name: appeal notification distribution list.pdf
- Relates to Section:** PART 6
Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

File name:	Enforcement Delegated Report.pdf
Relates to Section:	PART 6
Document Description:	22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
File name:	Camden Local Plan - cover and introduction.pdf
File name:	A1 - Managing the Impact of Development.pdf
File name:	D1 - Design.pdf
File name:	D2 - Heritage.pdf
File name:	D3 - Shopfronts.pdf
Relates to Section:	PART 6
Document Description:	22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.
File name:	Amenity CPG January 2021.pdf
File name:	Pages from Design CPG January 2021 - Intro & chapters 2 (Design excellence) to 3 (Heritage).pdf
File name:	Pages from Design CPG January 2021 - Chapter 6 (Shopfronts).pdf
Relates to Section:	PART 6
Document Description:	22.e. An explanation of the Council's policy position in respect of this appeal upon its adoption if any Development Plan Document (DPD) or Neighbourhood Plan is relevant to this appeal.
File name:	Hampstead NP.docx
File name:	Hampstead NDP Adoption statement.pdf
File name:	Report to Cabinet and Council.pdf
Relates to Section:	PART 6
Document Description:	22.i. Any other relevant information or correspondence you consider we should know about.
File name:	LLOYDS BANK - listing 1130392 Historic England.pdf
Relates to Section:	PART 7
Document Description:	23. A true copy of the Enforcement Notice.
File name:	Enforcement Notice - without schedule of addresses.pdf
Relates to Section:	PART 7
Document Description:	25. A list of those served with the Notice.
File name:	Enforcement Notice - with schedule of addresses.pdf

The documents listed below are to follow by post:

Relates to Section:	PART 6
Document Description:	21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.
Relates to Section:	PART 7
Document Description:	24. The Enforcement Notice Plan.
Relates to Section:	PART 7
Document Description:	26. Statement of case.

Completed by

Not Set

Date

20/06/2023 11:50:08

LPA

London Borough of Camden