



Legal Services
Law and Governance
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Date: 06 October 2023
Our Reference: 1800.2597
Enquiries to: Annie Kelly

FIRST CLASS RECORDED POST

Direct 020 7974 6890
e-mail: annie.kelly@camden.gov.uk

www.camden.gov.uk

Owner
26 – 28 Whitfield Street
London
W1T 2RG

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR LAND

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
ENFORCEMENT NOTICE: EN22/0411
LAND AND PREMISES AT: 26-28 WHITFIELD STREET, LONDON, W1T 2RG**

NOTICE OF WITHDRAWAL OF AN ENFORCEMENT NOTICE

The Council issued a **Enforcement Notice** relating to the above land on **07 September 2023** which was served on you (or your client) in view of your (or your client's) interest in the land, to take effect on **20 October 2023** unless an appeal was made beforehand.

Under the powers conferred on it by **Section 173A(1) (a)** of the above Act, the Council has decided to withdraw this notice **due to the fact that the Leaseholder has changed in the last year, and so didn't receive the notice**. Therefore, the Council hereby notifies you (on behalf of your client) of the withdrawal.

You are advised that the withdrawal of this **Enforcement Notice** does not affect the power of the Council to issue a further **Enforcement Notice**.

If you have any queries regarding this withdrawal please contact **Jennifer Watson** of the Planning Enforcement team at Planning Enforcement team at Supporting Communities, Regeneration and Planning, Development Management, London Borough of Camden, Town Hall, Judd Street London WC1H 8JE or on **020 7974 4536** on Jennifer.Watson@camden.gov.uk.

Yours faithfully,

Annie Kelly
For the Borough Solicitor

Borough Solicitor
Andrew Maughan

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IMPORTANT- THIS COMMUNICATION AFFECTS YOUR LAND

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 171A (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)
ENFORCEMENT NOTICE: EN22/0411
LAND AND PREMISES AT: **26-28 WHITFIELD STREET, LONDON, W1T 2RG****

The Council has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice, in view of your (or your client's) interest in the land. (Copies of the Notice are also being served on others who, it is understood, have an interest in the land).

This notice has been served as the Council has evidence to demonstrate that on the balance of probability the property has been used for short term letting in excess of the 90 night limit per calendar year. As the property has been let for more than 90 days this calendar year it is now deemed to be an unlawful change of use of the property from residential to a short term let. In light of the above, the notice has been issued to ensure that the breach is ceased within this calendar year and to prevent the use as a short term let becoming lawful. This is the reason we have issued this notice without warning. If you have evidence to confirm that a breach has not taken place, please provide it within 14 days. If we are satisfied with this information, we can look to withdraw this notice.

Unless an appeal is made to the Secretary of State, as described below, the Notice will take effect on **18 November 2023** and you (or your client) must ensure that the required steps are taken within the period specified in the Notice.

Should you wish to make an appeal, the enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. This can be accessed via the following website; <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>.

Your appeal (or your client's) must be received by the Planning Inspectorate before the date shown in paragraph 2 above as that is the date when the notice will take effect i.e. **18 November 2023**.

Finally, please forward a copy of any appeal form direct to the Regeneration and Planning, Development Management, London Borough of Camden, Town Hall, Judd Street London WC1H 9JE.

If you have any queries regarding this notice or would like to discuss compliance please contact **Jennifer Watson** of the Planning Enforcement team at Supporting Communities,

**Borough Solicitor
Andrew Maughan**

Regeneration and Planning, Development Management, London Borough of Camden, Town Hall, Judd Street London WC1H 8JE or on **020 7974 4536** or Jennifer.Watson@camden.gov.uk.

Yours faithfully,



Annie Kelly
Legal Assistant
For the Borough Solicitor

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE
PLANNING AND COMPENSATION ACT 1991)****ENFORCEMENT NOTICE****ISSUED BY: THE LONDON BOROUGH OF CAMDEN**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at: 26-28 Whitfield Street, London, W1T 2RG as shown outlined in red on the attached plan (“the Property”).

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission: the change of use of the property from residential use to use as temporary sleeping accommodation.

4. **REASONS FOR ISSUING THIS NOTICE:**
 - a) The change of use has occurred within the last 10 years.

 - b) The number of nights the flat has been let on a short term basis has exceeded conditions set by Section 25 of the Greater London Council (General Powers) Act 1973 except to the extent allowed by Section 25A (1) of that Act, which permits the use subject to Conditions, including Conditions set out at Section 25A (2) (a) and (b) which limit use as temporary sleeping accommodation to a maximum of 90 nights in any one calendar year. In doing so it has resulted in the unacceptable loss of permanent residential accommodation contrary to policies A1 (Managing the impact of development), H1 (Maximising housing supply) and H3 (Protecting existing homes), of the Camden Local Plan (2017).

Council reference: EN22/0411

- c) The high turnover of occupiers results in increased potential of incidences of noise and disturbance to the detriment of the neighbouring occupiers contrary to policies A1 (Managing the impact of development), H3 (Protecting existing homes) of the Camden Local Plan (2017) and CPG6 (Amenity) of The London Plan (2016).

5. WHAT YOU ARE REQUIRED TO DO

Within a period of **ONE (1) month** of the Notice taking effect:

1. Cease the use of the property for temporary sleeping accommodation.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **18 November 2023** unless an appeal is made against it beforehand.



DATED: 06 October 2023 Signed:

**Chief Planning Officer, Supporting Communities on behalf of the
London Borough of Camden, Town Hall, Judd Street, London WC1H 8JE**

Explanatory Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002

An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;

Council reference: EN22/0411

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should be submitted at the same time as the appeal form is submitted. The fee is payable:

By credit/debit card by phone: call 020 7974 4444 or by BACS transfer to:

London Borough of Camden NatWest Account.

Sort code: 50-30-03

Account number: 24299480

You must use the Council's reference EN22/0411.

The fee is £990.00

The TOTAL FEE payable is £990.00 (i.e. £495.00 x 2)

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

ANNEX**YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

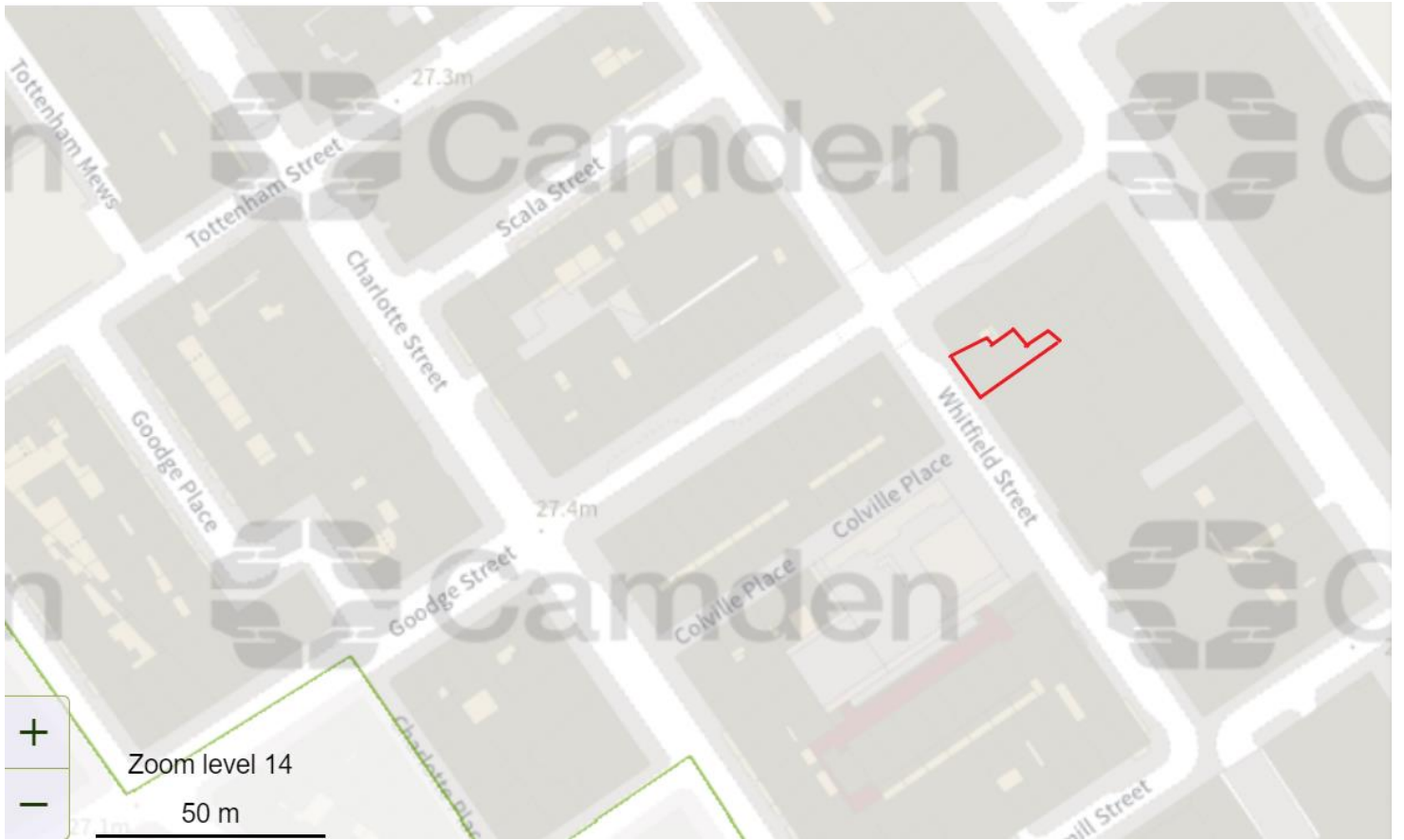
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **18 November 2023**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

For the full sections of the act please see:

<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>





Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-toappeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

April 2019

Date: 06 October 2023
Our Reference: 1800.2597
Enquiries to: Annie Kelly

Law and Governance
London Borough of Camden
Town Hall
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London WC1H 9LP

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Owner
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IMPORTANT- THIS COMMUNICATION AFFECTS YOUR LAND

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 16 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.
REQUISITION FOR INFORMATION REGARDING: EN22/0411
LAND AND PREMISES AT: 26-28 WHITFIELD STREET, LONDON, W1T 2RG**

The Council has resolved to take action in respect of the above premises in accordance with **Section 171 A and 172 of the Town and Country Planning Act 1990 (as amended)**. I enclose a Requisition for Information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This is sent to you as a person/party with an interest in the above land, or as an agent for such a person/party.

Please return this form to me within 14 days. I draw your attention to the explanatory notes set out on page 1 of the Requisition; in particular that failure to respond constitutes an offence. I would therefore ask you to give this matter your earliest attention. In order to satisfy Section 16, it is necessary for you to print and sign your name at the top of page 2. Please ensure your name and address is shown in full. If you find that you need more room than is provided on the Requisition form, please attach a further sheet of paper. Thank you for your assistance with this request.

Yours faithfully,



**Annie Kelly
Legal Assistant
For the Borough Solicitor**

**Borough Solicitor
Andrew Maughan**

REQUISITION FOR INFORMATION

TAKE NOTICE that, pursuant to the provisions of section 16 of the Local Government (Miscellaneous Provisions) Act 1976, London Borough of Camden hereby require you to state in writing the nature of your interest in the above land or premises.

You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freehold, mortgagee, lessee or otherwise, or who receives rent for the land.

A form is attached hereto on which the information required may be given by means of your replies to the questions set out therein. No covering letter is necessary.

NOTE

Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976 provides as follows:

16.— Power of local authorities to obtain particulars of persons interested in land.

(1) Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely—

- (a) the occupier of the land; and*
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and*
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,*

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) A person who—

- (a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or*
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,*

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Return of Information required to be given under
section 16 of the Local Government (Miscellaneous Provisions) Act 1976**

From(name)
(address)

In reply to notice dated **06 October 2023 for the att. of Annie Kelly**

And regarding **26-28 WHITFIELD STREET, LONDON, W1T 2RG**

I hereby declare that the following information is correct to the best of my knowledge;

..... (signed)

My interest in the land is as	
Name (in full) and address of occupier	
State whether premises is held on weekly tenancy, Agreement or lease and term	
Name (in full) and address of person to whom rent is paid If he is Agent for another person state name (in full) and address of such person	
Name (in full) and address of Freeholder	
Name (in full) and address of Leaseholder	
Name (in full) and address of Mortgagee	
Name (in full) and address of any other person having an interest in the Premises and the nature of such an interest	

This form must be returned to the following address within 14 days of the date of service of the notice:
 Legal Planning Team
 On behalf of the Borough Solicitor
 London Borough of Camden
 Town Hall
 Judd Street
 London WC1H 9LP

Punjabi

ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati

મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi

आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें।

Urdu

اہم: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک معیاد ہے۔ اس معیاد کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali

জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তাব, কারো পরামর্শ নিন।

Chinese

通知：把這份表格寄回給我們是有時間限制的。我們必須在過期之前收到這份表格。假若你需要別人幫助你填寫這份表我們建議你尋求指導。

English

IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.