



Appeal Decision

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/X5210/W/22/3302786

1 Speedy Place, London WHC1 8BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sami Almaqableh (ASP Architects London Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/0265/P, dated 3 January 2022, was refused by notice dated 7 July 2022.
 - The development proposed is the change of use of the existing commercial unit (Class Order E) to residential units consisting of four flats on the ground and first floors and associated internal alterations and external treatment to the front and rear elevation. Opening a new window at ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons that will be clear, no site visit was undertaken in the determination of this appeal.

Reasons

3. An Inspector attempted to carry out a site visit in connection with this appeal on 6 December 2022, but upon arrival was informed by the appellant that access to the property would not be possible due to its unlawful occupation by squatters. The appellant advised that it may take some time for eviction to take place, and that a police reference email regarding the matter would be passed to the Planning Inspectorate.
4. On 27 June 2023, the appellant advised that they were still in the process of evicting the unlawful occupiers of the property, which was taking some time to go through the court system. The appellant was informed that the appeal could not be decided without access to the site, and an agreement was made to place the appeal into abeyance for a period of three months.
5. An update was sought from the appellant on 13 October 2023, but no response was received. The Planning Inspectorate has a duty to determine appeals as expeditiously as possible, and it is not in the public interest to allow this matter to remain outstanding in an indefinite way. Consequently, on 24 October 2023 the Inspectorate sent a letter to the appellant that referred to Section 79(6A) of the Town and Country Planning Act 1990 (as amended). This provides that an appeal may be dismissed if it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal unless the appellant takes specified steps.

6. A further site visit was arranged for 6 December 2023. In arranging the visit, the appellant was served with a notification under Section 79(6A) of the Town and Country Planning Act 1990 (as amended), which stated that if the appellant or their representative failed to attend the visit or refused to provide access to the site for an unaccompanied visit, the appeal would be dismissed.
7. I attended the site to carry out this visit at the pre-arranged time on 6 December 2023. However, the appellant did not arrive and I was unable to gain access to the building, being further advised by occupiers of neighbouring properties that it would be unsafe to do so. In light of the above, given the appellant was notified of the need to provide access to the site and the planning merits of the appeal cannot be determined without a site visit, I am of the view that the appellant is responsible for undue delay in the progress of the appeal.
8. Consequently, pursuant to the powers in Section 79(6A), I conclude the appeal should be dismissed.

C Rafferty

INSPECTOR