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| Enforcement Delegated Report | Receipt date: | 17/08/2023 |
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| Officer | Enforcement Case |
| Angela Ryan | EN23/0688- Flat A EN23/0892- Flat B |

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| Breach Address | Photos & Other material |
| Flats A and B 10 Greenland Road London NW1 0AY | On file |

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| Authorised Officer Signature |
|  08/11/2023 |

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| Alleged Breach |
| Without planning permission, the change of use from 2 x residential flats at first and second floor levels to temporary sleeping accommodation/holiday lets. |

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| Recommendation(s): | That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the Owner/Occupier to cease the use of the first and second floors of the property for temporary sleeping accommodation/holiday lets and reinstate the property to 2 x residential units at first and second floor levels and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control |
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| Site Description |
| The site comprises a three-storey property located on the south-side of Greenland Road. The ground floor is being used for commercial purposes, whilst the upper floors should be in residential use for two self-contained flats (one at first floor level and one at 2 nd floor level). The building is not listed but in close proximity to grade II listed buildings at nos. 6, 8 & 12 Greenland Road. The building does is not within a designated Conservation Area. |

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| Investigation History |
| Following on from the Council's short term let initiative in the Bloomsbury Area in 2020 a desk top study has been undertaken to review short-term let breaches in 2023. The Council's latest review was able to locate the property on various websites as listed below. This indicates that the property is in use as temporary sleeping accommodation, and has continued since at least February 2023. The Council's short-term letting tracking system shows the property has been rented 128 nights at the end of October. The attached evidence (see appendix1) showing short-term let use is shown below and demonstrates that a breach of planning control has taken place. I-Sleep Lux - Camden Town, London – Updated 2023 Prices (booking.com) I-Sleep Lux - Camden Town 10 Greenland Road, NW1 0AY London, United Kingdom (accomodationinathens.com) I-Sleep Lux - Camden Town in London - Bedandbreakfast.eu |

[I-Sleep Lux - Camden Town, Apartments London \(gites.fr\)](#)
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[I-Sleep Lux - Camden Town **BOOK** London Apartment **with ₹0 PAYMENT** \(makemytrip.com\)](#)
[I-Sleep Lux – Camden Town – Green Bridge Management \(isleeplux.co.uk\)](#)
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[I-Sleep Lux - Camden Town, Kings Cross | Guest B&B - Book Now \(universityrooms.com\)](#)
[I-Sleep Lux - Kings Cross 【 NOV 2023 】 Apartment in London, United Kingdom \(rentbyowner.com\)](#)
[I-Sleep Lux - Kings Cross London, United Kingdom — book Apartment, 2023 Prices \(top-hotels-london.com\)](#)

The owner/occupier has not been contacted, however given that the use is contrary to planning policy and resulting in a loss of permanent residential accommodation the resulting harm of the use is considered sufficient to warrant initiating formal enforcement action. The owner will have the opportunity to provide any relevant information to substantiate that the breach alleged has not occurred before the notice takes effect should it be necessary.

Relevant policies / GPDO Category

National Planning Policy Framework (2023): Paragraph 59

The London Plan (2021): policies H8 and H9

Camden Local Plan (2017)

H1 Maximising housing supply
H3 Protecting existing homes
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development

Camden Planning Guidance

CPG- Housing
CPG – Amenity

Assessment

Issues: The development has resulted in the loss of permanent residential accommodation by virtue of its use as temporary sleeping accommodation and also has the potential to cause disturbance to neighbouring occupants.

Assessment:

Summary

The Council seeks to control the use of residential properties for temporary sleeping accommodation across the Borough for two main reasons. Firstly, the use of residential accommodation for short term letting goes beyond the scope permitted by law, reduces the stock of permanent housing available to people who wish to live in Camden. In a time of an acute housing shortage the Council cannot afford to lose private dwellings in this manner.

Secondly, the Council seeks to restrict short-term letting because holiday-makers and others staying in properties for short periods are less likely to treat their holiday flat in a manner that has respect for the peace and privacy of other, permanent, residents who live within the vicinity, and therefore residential amenity is often diminished through noise and disturbance.

On balance, the evidence suggests that there has been a breach of planning control. In these circumstances it is recommended that an Enforcement Notice is issued.

The London Plan recognises the importance of maintaining London's housing stock. Supporting paragraph 4.9.3 of Policy H9 in particular specifically states:

The use of dwellings as short-term holiday rentals can have a detrimental impact on neighbours' residential amenity and community cohesion in the wider area where concentrated in a particular location. The use also reduces the supply of homes available for people to live in

The London Plan (H9) advises that given the level of need, existing housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. It states

'Boroughs should take account of the impact on housing stock and local housing need when considering applications for a change of use from housing to short stay holiday rental accommodation to be used for more than 90 days a year'.

Policy H3 'Protecting Existing Homes' in Camden's Local Plan 2017 seeks to protect 'housing from permanent conversion to short-stay accommodation intended for occupation for periods of less than 90 days'

By virtue of Section 25 of the Greater London Council (General Powers) Act 1973, the use as 'temporary sleeping accommodation' of any residential premises in Greater London involves a 'material change of use' for the purposes of the definition of 'development' which appears at Section 55 of the Town and Country Planning Act 1990 (as amended).

Temporary sleeping accommodation is defined by Section 25 of the Greater London Council (General Powers) Act 1973 (as amended) as follows:

"Use as sleeping accommodation which is occupied by the same person for less than 90 consecutive nights, and which is provided (with or without other services) for a consideration arising either by way of trade for money or money's worth, or by reason of the employment of the occupant whether or not the relationship of landlord and tenant is thereby created".

Extent of Use for Short-Term Letting Permitted by the Deregulation Act 2015

Prior to amendments to Section 25 of the Greater London Council (General Powers) Act brought in by Section 44 of the Deregulation Act 2015, the use of residential premises was not lawful (however intense or infrequent its occurrence within any particular 'residential premises') unless planning permission had been expressly granted for such use or unless a Lawful Development Certificate had been granted (i.e. on the basis that the use had been undertaken continuously for a sufficient period - 10 years – to acquire immunity from enforcement action

The amendments to Section 25 of the Greater London Council (General Powers) Act 1973 introduced Section 25A. Subsection (1) of Section 25A states that the use of residential accommodation within Greater London as 'temporary sleeping accommodation' does *not* involve a material change of use [and therefore does *not* require planning permission and is lawful] provided two Conditions are met.

The first of these two Conditions is set out in subsection (2)(a) and (b) of Section 25A, as follows:

'The first is that the sum of –

(a) the number of nights of use as temporary sleeping accommodation, and

*(b) the number of nights (if any) of each previous use of the premises as temporary sleeping accommodation in the same calendar year **does not exceed ninety.**'*

The second of these two Conditions is set out in subsection (3) (a) and (b) of Section 25A as follows:

'The second is that, in respect of each night which falls to be counted under subsection (2)(a) -

(a) the person who provided the sleeping accommodation was liable to pay council tax under

Part 1 of the Local Government Finance Act 1992 in respect of the premises, or

(b) where more than one person provided the sleeping accommodation for the night, at least one of those persons was liable to pay council tax under Part 1 of that Act in respect of the premises.

In this case, there has been a change of use of the 2 x flats at at first and second floor levels level into 2 x temporary sleeping accommodation/holiday lets. The property is being advertised on the various holiday-let websites, which indicates the provision of short term let accommodation. They are available to rent as two units but are marketed on the same sites and under the same ownership. The units share the entrance from the street with shared internal access. Whilst there are 2 x units, given the above, it is considered that the upper floors of the building are one planning unit and form one unit of temporary sleeping accommodation (Sui Generis). Our evidence shows that the property have been rented for approximately 128 nights this year. The units are clearly laid out and marketed as full time professional short-term lets. In light of the above, it would appear that in all probability, that the property is in full-time short- term holiday let use, and not in permanent residential. Photographs of the property also shows that the building is laid out and marketed for full time short term let use.

Amenity: The property is located within close proximity to residential dwellings. The comings and goings to the property is likely to give rise to an associated increase in overall noise and disturbance, as access to the property is via a street that is predominantly in residential use, where visitors are more likely to come and go at different hours of the day and night compared to permanent residential occupiers.

For Flats A & B

Recommendation: That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the Owner/Occupier to cease the use of the first and second floors of the property for temporary sleeping accommodation/holiday lets to reinstate the property to 2 x residential units at first and second floor levels and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

The notice shall allege the following breaches of planning control: Without planning permission: the change of use from 2 x residential flats at first and second floor levels to temporary sleeping accommodation/holiday lets.

WHAT ARE YOU REQUIRED TO DO:

1. Permanently cease the use of the flat for temporary sleeping accommodation.

PERIOD OF COMPLIANCE: 1 Month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

1. It appears to the Council that the above breach of planning control has occurred within 10 years
2. The unauthorised change of use has resulted in the unacceptable loss of permanent residential accommodation, which is contrary to policies H1 (Maximising housing supply), and H3 (Protecting existing homes), of the Camden Local Plan (2017).
3. The high turnover of occupiers results in the potential for increased 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)

