


Enforcement Delegated Report		Receipt date:	12/01/2023
Officer		Enforcement Case	
Jennifer Watson		EN23/0010	
Breach Address		Photos & Other material	
26-28 Whitfield Street, London, W1T 2RG		On file.	
Authorised Officer Signature			
 01/09/2023			
Alleged Breach			
<p>Without planning permission: the change of use of the property from residential use to use as temporary sleeping accommodation.</p>			
Recommendation(s):		<p>That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended requiring to cease the use of 26-28 Whitfield Street (First, Second, Third, and Fourth Floor flats) as a temporary sleep accommodation and reinstate the residential use, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.</p>	

Site Description
<p>The site is a five-storey mid terrace property that lies within the Charlotte Street Conservation Area. The front elevation comprises a modern Corten steel, hardwood, and stained-glass shopfront with a red brick façade at first to third floor levels. Fourth floor is a mansard roof with dormer windows. The basement and ground floors are in commercial use as a Japanese-style restaurant/bar ("Sican"), whilst the first to fourth floors are in use as residential flats.</p>
Investigation History
<p><u>Planning history of the site:</u></p> <p>2018/1113/P - Change of use of existing accommodation at first, second, third and fourth floor level to four serviced apartments (C1 use). Withdrawn by the applicant on the 21st August 2018 following a request by the case officer for evidence of its existing lawful use.</p> <p>EN05/0646 - Change of use from class C3 (Dwelling houses) to class B1 (Business). Enforcement notice served, appeal lodged and dismissed. Closed on the 26th October 2010 following a compliance check.</p> <p>EN18/0658 - Use of flats for short term lets. Closed on the 5th February 2019. A completed PCN dated 10th September 2018 suggests that the flats were being used as C3 Residential.</p> <p><u>Investigations:</u></p> <p>The Council's investigations of this site and alleged breach of planning control have resulted in substantial evidence demonstrating that there has been a permanent change of use of the property (First, Second, Third, and Fourth Floor flats) into use as a temporary sleeping accommodation. The Council has utilised; 'Talk and Code' which is a Short Term Let data collection software, extensive online investigations, and witnesses. This</p>

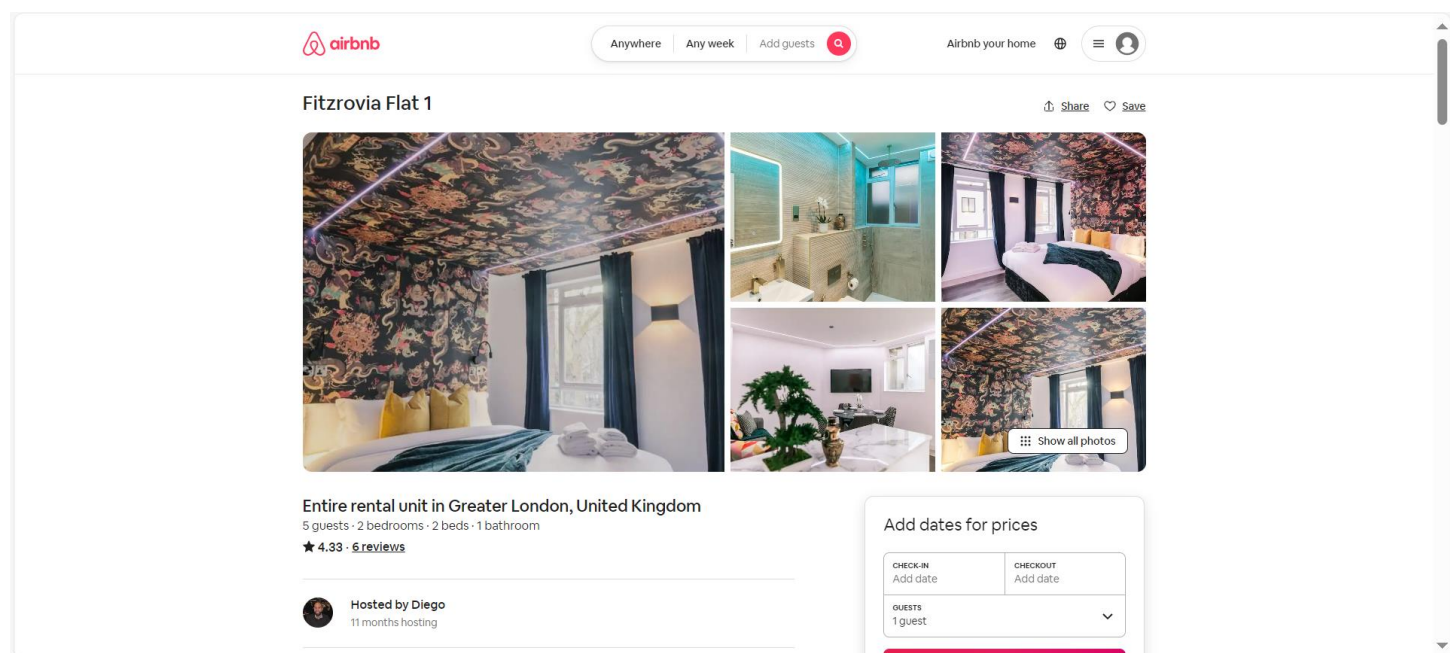
enforcement case was initially opened on the 9th January 2023 as we received an enquiry on a potential change of use.

Airbnb listings:

Host for all below Airbnb listings is a “Diego” (Host ID: airbnb500304888, member since Feb 2023) – commenced near the date of the initial complaint we received in Jan 2023. Co-host is a ‘Nicolo’. Nicolo Mascitti is the director of Sican Limited (no. 14063278 // 56101 Licensed Restaurants, 56302 Public Houses and Bars) – who run ‘Sican’ (Basement and Ground floor level restaurant/bar).

1. https://www.airbnb.co.uk/rooms/828219721121925402?source_impression_id=p3_1704816012_wTRZkclQGC2L%2FYxd

Talk and Code data: airbnb828219721121925402 – Host “Diego” // Year occupancy (1st Jan – 31st Aug 2023): **91 days total.**



★★★★★ · May 2023

The interior is very nice and looks recently renovated. And Fitzrovia is a beautiful neighborhood. But: there is a very noisy bar directly below the unit, and the apartment was shaking with loud music and screaming until 1:30am for two of our four nights. The bar's employees and dancers would hang out and store their stuff in the stairwell, too. We also checked in at 3pm and the cleaning crew had only just arrived when we got there. If you are a very deep sleeper, then this is the place for you. If not, look elsewhere.



Jeannett

New York, New York

★★★★★ · May 2023

We enjoyed our stay! I had originally asked for an apartment with no stairs, as my parents are older, we chose apartment A and it still has some stairs, but they managed. Host (a lady) was very quick and responsive to a few little things that came up at check in, then it was all smooth. We even got a discount for dining downstairs at Sican. The apartment was comfortable for the 4 of us, the Fitzrovia surrounding is great for walking and great restaurants. The beds were comfortable and apartment was as described with the amenities. Recommend!



Richard

Warmond, Netherlands

★★★★★ · May 2023

Alles is zoals in de advertentie beschreven. Een goed appartement op een goede



Silvia

Charleston, South Carolina

★★★★★ · July 2023 · Stayed with kids

Host very responsive and quick to fix things. Location is very convenient.

It is above a restaurant- but it was not open during our stay so cannot comment. Easy to get to things from here around Marylebone/ Mayfair / Oxford street/ Piccadilly etc.



Agnes

Austria

★★★★★ · June 2023

Sehr saubere und moderne Wohnung.

Vermieter äußerst hilfreich und bei Problemen sofort erreichbar und bemüht!

[Translate to English \(GB\)](#)



Mahealani

8 months on Airbnb

★★★★★ · June 2023 · Group trip

Really recommend this place! Super clean and easy to access! Definitely enjoyed our stay here

Reviews show that it is currently active from at least May 2023.

2. https://www.airbnb.co.uk/rooms/828985184326481244?source_impression_id=p3_1704816033_diVaj5Dtu0T3b8FM

Talk and Code data: airbnb828985184326481244 - Host “Diego” // Year occupancy (1st Jan – 31st Aug 2023): **91 days total.**

Fitzrovia Flat 2

Share Save



Entire rental unit in Greater London, United Kingdom

5 guests · 2 bedrooms · 2 beds · 1 bathroom

★ 4.60 · [10 reviews](#)



Hosted by Diego
11 months hosting

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	



Apolonia

4 years on Airbnb

★★★★★ · May 2023

The location was very close to nice restaurants, the underground, coffee shops... Very beautiful area. The place was sparkling clean, very comfortable and very pretty. The host was very responsive.



Marie-Anne

Paris, France

★★★★★ · May 2023

Great location. Very comfortable flat. Sympatcal and fun restaurant downstairs



Narinderpal

3 years on Airbnb

★★★★★ · May 2023 · Group trip

Location is very nice, near to metro easy to commute, but its on 2nd floor i had trouble getting up there cause there are no elevator to go up i was with my grandma and my mom it was hard for them to get up there. Location is great for youngsters.



Rob

New York, New York

★★★★★ · June 2023

Great place close to two tube stations for easy travel. Air conditioning was great on the hot summer days



Reil

New York, New York

★★★★★ · June 2023

I loved this stylish and comfortable space! Down to the restaurant downstairs. I was soo sad to leave this place. Razin was more than accommodating and anything we needed was met! Go downstairs to Sican and ask for Guiseppi! He is the manager and he will treat you well!!



Response from Diego

June 2023

Thank you guys, looking forward to seeing you again soon 8



Reem

Chicago, Illinois

★★★★★ · June 2023 · Group trip

PROS: Excellent central location, quick walk to the train station. A million cafes, restaurants, and stores within a five minute walk and less. Very clean overall with a well stocked kitchen. Owner was always very quick to respond. Functional washer.

Reviews show that it is currently active from at least May 2023.

- https://www.airbnb.co.uk/rooms/829015057161567913?source_impression_id=p3_1704816028_HG2kl dGZdLayflvw

Talk and Code data: airbnb829015057161567913 - Host "Diego" // Year occupancy (1st Jan – 31st Aug 2023): **77 days total.**

Fitzrovia Flat 3

[Share](#) [Save](#)


Entire rental unit in Greater London, United Kingdom

5 guests · 2 bedrooms · 2 beds · 1 bathroom

★ 4.86 · 7 reviews


Hosted by Diego
11 months hosting

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	


Peter

Woerden, Netherlands

★★★★★ · May 2023

We have had a nice stay in the apartment.
The only downside at this period was the fact that they are rebuilding in the neighborhood. These guys start early and this is something we heard.
But that was the only minus on the whole stay!
Will definitely book again!


Anna

Poland

★★★★★ · May 2023

Idealna lokalizacja. Ładny apartament, wygodne łóżka, czysto, po prostu jak w domu.
Bardzo dobry kontakt z właścicielem. Polecam :)

[Translate to English \(GB\)](#)

Pablo

Mendoza, Argentina

★★★★★ · May 2023

Excelente departamento.
Muy completo, cómodo y limpio.
La ubicación es muy buena, con transporte público a mano. Gracias!!!

[Translate to English \(GB\)](#)

Reviews show that it is currently active from at least May 2023.

4. https://www.airbnb.co.uk/rooms/954078022107136156?source_impression_id=p3_1704816041_vQbE9e6RWwQHgKq7

Talk and Code data: airbnb954078022107136156 - Host "Diego" // Year occupancy (1st Jan – 31st Aug 2023): **missing data.**

Fitzrovia Flat 4

Share Save



Entire rental unit in Greater London, United Kingdom

5 guests · 2 bedrooms · 2 beds · 1 bathroom

★ 4.0 · 3 reviews



Hosted by Diego
11 months hosting

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	



Mateusz

Józefów, Poland

★★★★★ · September 2023

the apartment was comfortable and spacious. the area is very central, I was there for business and enjoyed the accessibility of the apartment. the host is very pleasant and all instructions and questions were answered quickly. highly recommended



Eleonore

France

★★★★★ · September 2023

Bon séjour chez Diego,
Malgré les quelques problèmes de wifi et de clime, le séjour fut agréable !

[Translate to English \(GB\)](#)



Francesca

Singapore, Singapore

★★★★★ · September 2023

Flat on last floor without lift of old building. Stairs very dirty with rubbish, dirty laundry, old furniture, unfinished electrical installation. Apartment with very dirty windows, no bedside tables nor bedside lights in working conditions, no place to hang clothes, decoration not matching photos at all.

All flats have been let out by the same host, thus owner, on multiple Airbnb listings (as well as on booking.com and various other websites – see below) to allow them the option to allocate coinciding (and potentially differing) groups of holiday makers into the four different flats within the site - thus indicating the change of use of the property as one planning unit, as temporary sleep accommodation.

The director of SICAN LTD is also the director of SICAN APART HOTEL LTD (no. 14466900), a company registered under 55100 – Hotels and similar accommodation – supporting the above.

SICAN LIMITED

Company number 14063278

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Overview

Filing history

People

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Officers

Persons with significant control

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☐ Current officers

2 officers / 0 resignations

BREDA, Alessandra Jessica

Correspondence address

76 Edgeley Lane, London, England, SW4 7UL

Role

ACTIVE

Date of birth

January 1988

Appointed on

21 September 2022

Nationality

Italian

Country of residence

England

Occupation

Director

MASCITTI, Nicolo

Correspondence address

1 Beauchamp Court, 10 Victors Way, Barnet, Hertfordshire, England, EN5 5TZ

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SICAN APART HOTEL LIMITED

Company number 14466900

Follow this company | File for this company

Overview

Filing history

People

More

Registered office address

1 Beauchamp Court, 10 Victors Way, Barnet, Hertfordshire, England, EN5 5TZ

Company status

Active

Company type

Private limited Company

Incorporated on

7 November 2022

Accounts

First accounts made up to 30 November 2023 due by 7 August 2024

Confirmation statement

Next statement date 6 November 2024 due by 20 November 2024

Last statement dated 6 November 2023

Nature of business (SIC)

55100 - Hotels and similar accommodation



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SICAN APART HOTEL LIMITED

Company number 14466900

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Overview

Filing history

People

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Officers

Persons with significant control

Filter officers

☐ Current officers

1 officer / 0 resignations

MASCITTI, Nicolo

Correspondence address

1 Beauchamp Court, 10 Victors Way, Barnet, Hertfordshire, England, EN5 5TZ

Role

ACTIVE

Date of birth

April 1985

Appointed on

7 November 2022

Nationality

Italian

Country of residence

England

Occupation

Director

1. <https://www.booking.com/hotel/gb/welcomestay-fitzrovia-two-bed-apartments-sleep-in-opulent-luxury.en-gb.html>

[illegible]

Kirsten
United Kingdom

Apartment with Balcony

2 nights · February 2023

Solo traveller

Reviewed: 5 February 2023

Great newly refurbished apartment, well located.

9.0

There are no comments available for this review

Nicolò
United Kingdom

Two-Bedroom Apartment

2 nights · December 2022

Couple

Reviewed: 22 December 2022

amazing design, perfect location, massive terrace, incredible facilities

10

Top location in the heart of London. The apartment is brand new and incredibly looked after. The interior design is to die for and it has all the facilities. It also located on the top of a delicious Japanese restaurant (Sican). I will be definitely return soon.

Property response:

Thank you so much for such a wonderful review, we are so so ...[Continue reading](#)

2 people found this review helpful.

Helpful Not helpful

Tracey
United States

Apartment with Balcony

2 nights · April 2023

Family

Reviewed: 30 May 2023

great location, great to have a patio - highlight!

10

location was great, patio great. beds super comfortable

loud music from neighbors or bar downstairs later in evening

Helpful Not helpful

Patricia
Isle of Man

Apartment

5 nights · April 2023

Couple

Reviewed: 7 April 2023

would stay again

9.0

location and the space.

a little noise from place below

Helpful Not helpful

Sarah
United Kingdom

Two-Bedroom Apartment

2 nights · January 2023

Family

Reviewed: 21 March 2023

Overall good & convenient location - best for those who plan to enjoy nightlife!

7.0

great location and very stylish

A few finishing touches like another mirror, toaster, shower gel, kitchen accessories, hanging hooks by door. Also door lock a bit fiddly. Wi-Fi issues were unfortunate. Noise from bar/restaurant was ok on Friday but very 'basey' and until after 01:30 on Sunday morning - maybe warn customers to expect this.

Helpful Not helpful

Victoria
United Kingdom

Two-Bedroom Apartment

Reviewed: 20 March 2023

won't stay again as we are not night owls and are light sleepers

7.0

overall space is lovely and well maintained with exception of small condensation in one of the

Reviews show that it is currently active from at least December 2022.

This particular listing advertises the flats in a single listing, allowing the host and owner the option to allocate coinciding and differing groups of holiday makers into the different flats – further supporting that a change of use of the property (First, Second, Third, and Fourth Floor flats) as one planning unit, as temporary sleep accommodation, has occurred. This also opens up the scope to let out the whole property to large groups of holiday makers in a single stay – whilst the listings advertise 2 beds, more temporary beds can always be set out by the host.

There are four more Booking.com listings, and are set out identical to the Airbnb Listings:

1. [“Fitzrovia Apartment 1”](#);
2. [“Fitzrovia Apartment 2”](#);
3. [“Fitzrovia Apartment 3”](#); and
4. [“Fitzrovia Apartment 4”](#)

Each of these four booking.com listings recommend for 5x guests per flat, thus confirming the above, to which it can be assumed over 20 people can use the property in a single stay.

Sign in, save money

You could save 10% or more at this property when you sign in

[Sign in](#) [Create an account](#)

Availability

Wed 10 Jan — Thu 11 Jan 2 adults · 1 child · 1 room [Change search](#)

[We Price Match](#)

Book this apartment

Apartment type	Number of guests	Today's price	Your choices	
Two-Bedroom Apartment Recommended for 5 adults Bedroom 1: 1 double bed Bedroom 2: 1 double bed Living room: 1 sofa bed 215 feet ² Private kitchen Balcony Air conditioning Flat-screen TV Free WiFi Kitchen Washing machine Towels Linen Private entrance Refrigerator Iron Microwave Heating Hairdryer Oven Stovetop Toilet paper	5	£246 Includes taxes and charges	<ul style="list-style-type: none"> Non-refundable Pay in advance Genius discount available 	1 apartment for £246 Includes taxes and charges I'll reserve Confirmation is immediate Your package: <ul style="list-style-type: none"> Non-refundable Pay in advance Genius discount available

[Unlock this Genius discount](#)

[Sign in](#) and save 10% on the price of this option before taxes and charges

Limited supply in London for your dates: 98 apartments like this are already unavailable on our site

Guest reviews

6.2 Pleasant · 22 reviews [Read all reviews](#)

[See availability](#)

Example from “Fitzrovia Apartment 1”.

Like the Booking.com listing, these two listings allow the host and owner the option to allocate coinciding and differing groups of holiday makers into the different flats – further supporting that a change of use of the property as one planning unit, as temporary sleep accommodation, has occurred.

Other listings:

1. Lodging-world.com - <https://www.lodging-world.com/uk/hotels/fitzrovia-apartment-3-in-central-london-99640671>
2. Lodging-world.com - <https://www.lodging-world.com/uk/hotels/fitzrovia-apartment-2-in-central-london-99640465>

3. Makemytrip.com - https://www.makemytrip.com/hotels-international/united_kingdom/london-hotels/luxury_apartment_a_fitzrovia_central_london-details.html
4. LondonHotelDeal.com - <http://www.londonhoteldeal.net/en/accommodation/luxury-apartment-b-fitzrovia.html>
5. LondonHotelDeal.com - <http://www.londonhoteldeal.net/en/accommodation/fancy-apartment-d-fitzrovia-Ind.html>

All websites have been gleaned onto a separate document for the event of an appeal.

This particular listing, alongside the Council's investigations, demonstrates that the property (First, Second, Third, and Fourth Floor flats) is being used as a full time STL.

Relevant policies / GPDO Category

National Planning Policy Framework (2021): Paragraph 59 (Enforcement) and 60-62 (

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
A4 Noise and vibration

Camden Planning Guidance

CPG - Housing
CPG - Amenity

Fitzrovia Area Action Plan 2014

Assessment

Issues:

The development has resulted in the loss of permanent residential accommodation by virtue of its use as temporary sleeping accommodation and causing a noise and disturbance to neighbouring occupiers.

Assessment:

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 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 resulting in the loss of 4 permanent residential units. 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."

This policy also 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. Policy H9 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 the case of the 26-28 Whitfield Street it is the Council's contention that the property has breached the first Condition, the requirements of which are set out in Section 25A (2) (a) and (b) of the Greater London Council (General Powers) Act 1973 and which restricts the use of a residential property as temporary sleeping accommodation to a maximum of 90 nights in a single calendar year. The property is clearly in full time short term let use. The unauthorised use therefore does not benefit from Section 25 of the Greater London Council (General Powers) Act 1973. A residential use would need to be lawful in order for section 25 to be applicable.

Its status as temporary sleep accommodations are confirmed through the extensive presence of the entire property on a variety of STL websites. On Airbnb and Booking.com, each flat has been advertised more than

once, which enables the host to allocate differing and coinciding groups of guests to different flats of the property depending on availability. A particular listing on Booking.com as well as the Welcomestay and London Hotel listings, collectively advertise all flats, providing potential holiday makers the option to choose which flat they wish to stay in, thus, again enables the host to allocate differing and coinciding groups of guests to different flats of the property depending on availability. The reviews on these listings reveal the flats of the property has been advertised, thus used as a temporary sleep accommodation since at least May 2023, to which Talk and Code data reveals Flats 1 and 2 to have breached the 90 day limit. As the property has been listed out a many online websites not recorded by Talk and Code, it is likely Flats 1 and 2 are even further over the 90 day limit, and that Flats 3 and 4 are also over this limit.

All residential flats of the property are clearly laid out and marketed as a full time professional short term lets. There are no signs nor evidence of residential use of the property. In light of all the above, it would appear that in all probability, that property (First, Second, Third, and Fourth Floor flats) is in full-time short-term holiday let, and not in permanent residential use. Based on the evidence gathered, it is considered that on the balance of probability a change of use has taken place.

Amenity:

The comings and goings to the property will give rise to overall noise and disturbance to neighbouring residential occupiers via their comings and goings. The property falls off the commercial Goodge Street and is surrounded by residential opposite and adjacent. Holiday makers can also be associated with anti-social behaviours which has led to further/exacerbated noise and disturbances around the area.

Expediency:

The planning history, complainants, and extensive presence of the property online support that a change of use of the property into a temporary sleep accommodation has occurred. Whilst each of the listings advertise 2 beds, more temporary beds can always be set out by the host in each of the eight bedrooms. This is confirmed through the Booking.com listings which recommend for 5x guests for each of the flats. Altogether, suggesting the whole property can be let out as a single unit for groups over 20 people in a single stay. In this case, the cumulative scale of the breaches has been taken into consideration, as large groups of holiday makers have imposed adverse effects on the residential amenity of the area – as demonstrated by the recent complaints. Further, in a time of acute housing shortage it is considered expedient to take action to ensure that such breaches cease and that a permanent loss of 4 residential properties cannot be supported.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended **requiring to cease the use of 26-28 Whitfield Street (First, Second, Third, and Fourth Floor flats) as a temporary sleep accommodation and reinstate the residential use**, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 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 of the property from residential use to use as temporary sleeping accommodation.

WHAT ARE YOU REQUIRED TO DO:

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

PERIOD OF COMPLIANCE: ONE (1) month

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

- a) The change of use has occurred within the last 10 years.
- b) The number of nights the flats 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 impact of development), H1 (Maximising housing supply) and H3 (Protecting existing home), of Camden Local Plan (2017).

- 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).