

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/X5210/C/24/3340116

A. APPELLANT DETAILS

Name	Westgrove Management Westgrove Management Limited Westgrove Management Limited		
Company/Group Name	Westgrove Management Limited		
Address	First floor, 94 Queensway LONDON W2 3RR		
Phone number	07900424640		
Email	ch@hereward-solicitors.com		
Preferred contact method	Email	<input checked="" type="checkbox"/> Post	<input type="checkbox"/>

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Name	Ms Christine Hereward		
Company/Group Name	Hereward & Co, Solicitors		
Address	94 Queensway LONDON W2 3RR		
Phone number	07900424640		
Email	ch@hereward-solicitors.com		

Your reference

CH/Belsize

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

London Borough of Camden

LPA reference number (if applicable)

EN23/0192

Date of issue of enforcement notice

23/01/2024

Effective date of enforcement notice

06/03/2024

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes



No



Does the appeal relate to an existing property?

Yes



No



Address

Flat 4,
39 Belsize Square,
LONDON
NW3 4HL

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes



No



What is your/the appellant's interest in the land/building?

Owner



Tenant



Mortgagee



None of the above



E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes



No



(a) That planning permission should be granted for what is alleged in the notice.



The facts are set out in

the box below

The Council agrees that planning permission ought to be granted for the alleged breach, that is clearly set out in the Council's Delegated Report in relation to this Enforcement action. If the Council wishes to restrict occupiers of certain residential units from being able to obtain Residents Parking permits for on-street parking, it has powers under the Road Traffic Regulation Act 1984. It is not dependent upon the planning process to achieve that aim.

Furthermore –

The Appellant may be open to entering a Deed (under S.106 T&CPA 1990 and S.16 of the 1974 Act) in relation to one of the two flats, to restrict the rights of occupiers to Residents Parking permits. This is

mooted strictly without prejudice to the Appellant's position that such a restriction is not a justifiable requirement.

For the LPA to seek removal of Residents Parking rights for both flats, when it accepts occupation as one flat to be Lawful, would be unreasonable and without a rational basis.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

The facts are set out in

the box below

There have been two flats across the second and third floors for many years. As a matter of fact, there has not been a change of use as alleged in the Notice.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

The facts are set out in

the box below

There have been two flats across the second and third floors for many years. As a matter of law, they do not constitute a breach of planning control.

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

The facts are set out in

the box below

The alleged breach had become immune, through the "4 years" rule.

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

The facts are set out in

the box below

The Council's objection to the alleged breach are (as evidenced in its Delegated Report in relation to this Enforcement action) is limited to parking, specifically the additional demand for on-street parking which might arise due to an additional flat having been created. The "steps required", at section 5 of the Enforcement Notice, do not even mention parking or highways. As noted under Ground a (above) the Council has other powers to ensure that parking concerns are addressed.

Commenting in turn upon the steps in section 5 of the Enforcement Notice –

" 5.1 Cease the use of the second and third floors as two residential units"

The Council agrees that use of the second and third floors as two flats is acceptable, that is clearly set out in the Council's Delegated Report in relation to this Enforcement action. Therefore, for the Council to require that those floors cease to be used as more than one flat (which is understood to be the intention of 5.1) is not justified.

" 5.2 Reinstate one residential unit as per the 'existing' drawings in "Existing & Proposed Floor Plans, Elevations & Site Location Plan" (2022/1601/P)"

The carrying out of internal works within no. 39 does not of itself require planning permission.

The Council has not objected to the limited external changes that have been carried out and as were proposed by application 2022/1601/P. Indeed, the Council confirmed those works to be acceptable and it is presumed that the Council remains content to grant planning permission for those

works.

The requirements at 5.2 are excessive; they go beyond the scope of an Enforcement Notice and are also unjustified. If the Notice were to be upheld, it is the Appellant's submission that 5.2 should be deleted.

" 5.3 Make good on any damage caused as a result of the works. "

The alleged breach cited in the Notice relates to the two top floors of a building. There is no reason for persons other than a long-leaseholder, occupier or person authorised by either to enter such floor-space. 5.3 is therefore excessive.

Furthermore –

The Appellant may be open to entering a Deed (under S.106 T&CPA 1990 and S.16 of the 1974 Act) in relation to one of the two flats, to restrict the rights of occupiers to Residents Parking permits. This is mooted strictly without prejudice to the Appellant's position that such a restriction is not a justifiable requirement.

For the LPA to seek removal of Residents Parking rights for both flats, when it accepts occupation as one flat to be Lawful, would be unreasonable and without a rational basis.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

the box below

Each of the flats is rented out to tenants who occupy their flat as their home. The ASTs run until 2nd July 2025 and 4th July 2025 respectively.

If the Enforcement Notice were to be upheld, a corresponding extension of the Compliance Period is sought.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

It is understood that as the grounds of appeal include (d), with the "4 years rule" in issue, an Inquiry is likely to be required.

(a) How long do you estimate the inquiry will last?

2 day(s)

(b) How many witnesses do you intend to call?

2

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

No



G. FEE FOR THE DEEMED PLANNING APPLICATION

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

a) the date of the relevant application

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

the box below

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see '[Appeal Documents](#)' section

02. Plan (if applicable and not already attached)

see '[Appeal Documents](#)' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Date

Name

On behalf of

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice - Flat 4 39 Belsize Square.PDF

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: Enforcement Notice - Flat 4 39 Belsize Square.PDF

Completed by MS CHRISTINE HEReward

Date 05/03/2024 19:31:33