



Date: 26<sup>th</sup> March 2024  
Your Refs: APP/X5210/C/23/3334995  
Our Refs: EN23/0688  
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Temple Quay House  
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BS1 6PN

Dear Mr Sir/Madam,

**Site at Flat A, 10 Greenland Road, London, NW1 0AY**

**APPEAL BY: Mrs Emel Yilmaz**

**Against: Enforcement Notice dated 17/11/23 regarding:** Change of use of a residential flat to use as temporary sleeping accommodation/holiday lets.

I write in connection with the appeal as referred above that relate to the above referenced address.

The Council's case is largely set out in the Officer's delegated report, a copy of which was sent with the appeal questionnaire.

The unauthorised development is unacceptable on following grounds:

- i) loss of permanent housing; and
- ii) Residential amenity

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following comments before deciding the appeal.

### **1.0 Background to serving the notice:**

**1.1** The appeal site was identified as being used for short term letting as part of the Council's short-term let initiative. This is a project where the Council aims to crack down on the number of properties being used for short-term letting in the borough that have exceeded/breached the 90-nights per calendar year limit. Evidence was found verifying that the appeal site was being advertised and used for short-term letting. The property is being advertised on various websites as referenced in the Officer's Delegated Report in the 'investigative history' section, and are listed below for ease of reference:

[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 \(gites.fr\)](#)

[I-Sleep Lux - Camden Town up to 22% OFF - Book Now \(lodging-world.com\)](#)

[I-Sleep Lux - Camden Town \*\*BOOK\*\* London Apartment \*\*with ₹0 PAYMENT\*\* \(makemytrip.com\)](#)

[I-Sleep Lux – Camden Town – Green Bridge Management \(isleeplux.co.uk\)](#)

[I-SLEEP LUX - KINGS CROSS LONDON \(United Kingdom\) - from £ 422 | BOOKED](#)

[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 \(top-hotels-london.com\)](#)

[DELUXE APARTMENT - 1 MIN AWAY FROM CAMDEN MARKET AND STATION ≡ London, United Kingdom ≡ Lowest Booking Rates For Deluxe Apartment - 1 Min Away From Camden Market And Station in London \(londonhotelsgb.org\)](#)

[Deluxe Apartment - 1 Min Away From Camden Market And Station London, United Kingdom — book Apartment, 2024 Prices \(top-hotels-london.com\)](#)

**1.2** On 17/11/2023, an enforcement notice was served on all those having an interest in the land. The notice would have taken effect on 20<sup>th</sup> December 2023 had this appeal not been lodged. The notice required that within one month of it taking effect, the Owner should:

1. Permanently cease the use of the flat for temporary sleeping Accommodation (**See appendix 1**)

**2.0 Relevant planning policy:**

**2.1** In arriving at its current position the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The development subject to this appeal was considered in the light of the following policies:-

**2.2 National policy documents:-**

National Planning Policy Framework (NPPF) Issued in March 2023- paragraph 59

London Plan 2021: policy H8 (Loss of existing housing and estate redevelopment) and H9 (Ensuring the best use of stock)

### **2.3 Camden Local Plan:**

The Council's policies within the Officer's Delegated Report are recent and up to date. Camden's Local Plan was on 3<sup>rd</sup> July 2017. The relevant policies are:

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

### **2.4 Camden's Planning Guidance:**

CPG- Housing (January 2021)  
CPG- Amenity (January 2021)

### **3.0 Comments on appellant's grounds of appeal:**

**The appellant has appealed on ground: B- That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.**

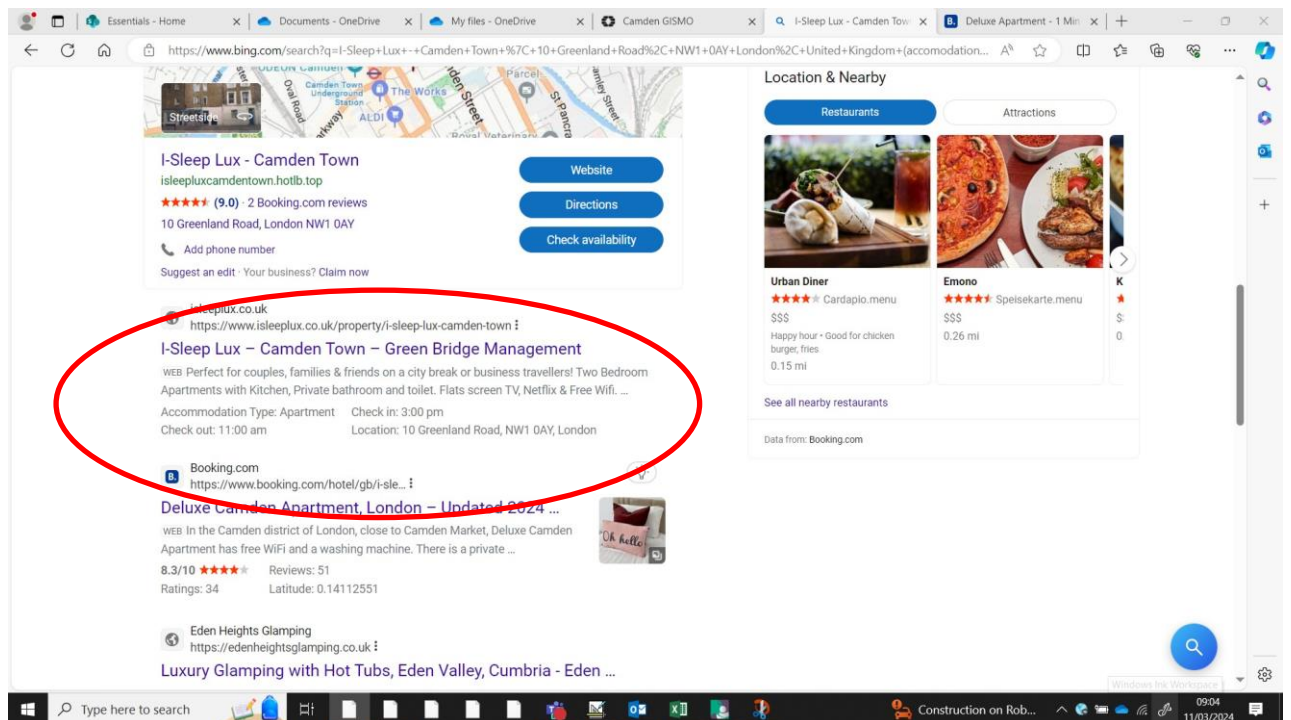
Paragraphs 1 and 2 of the Appellant's Statement attempts to assert that the appeal site (flat A) *is not being used for short-term letting but has a long-term tenant residing in the apartment who has been living there for quite some time*. The Council contests that even though the tenure is for a long-term tenant, this does not stop the flat from being sub-let and used for short-term letting. Moreover, the Council is in possession of e-mails from the Landlord, which indicates that the property was being used for short-term letting (**See Appendix 2**).

In addition to the above, the Council uses a scraping tool called 'Talk and Code' that scrapes information of sites in Camden that are being used for short term lets for specific short term let websites such as Airbnb, Booking.com etc. It reviews calendars and reviews to establish the occupancy rate. The information collated and provided to Camden from April to November 2023 confirms that the appeal site had been used for short term letting for at least 128 days in 2023. This exceeds the allowance permitted under the Deregulation Act 2015, which permits short term letting in properties in London for up to 90-nights per calendar year. As such, the Council refutes the Appellant's claim that the breach of control that is alleged in the enforcement notice has not occurred as a matter of fact.

The Council has undertaken its own review of the internet which shows the property is advertised across a large number of short term letting platforms which confirm the host is 'I-Sleep Lux'. There is no evidence that the property is used for any other purposes other than providing temporary sleeping accommodation.

A site visit undertaken with the Landlord on 17<sup>th</sup> January 2024, verified that the internal layout of the appeal site matched those that were advertised on the short term let on the booking.com website. It is worth noting that the appellant has provided no evidence to confirm that the person who let the property has not been subletting as short term letting. They have provided no justification for the rental of the property on numerous short term letting sites. Whilst it appears that the freeholder might not have known about the use, this does not change the fact that a material change of use has taken place.

### Example of website advertisement:



In light of the above findings the Council asserts that a material change of use of the property has taken place, the property is used for providing full time short-term letting at the time that the enforcement notice was issued and therefore, contends that the notice was legitimately issued. The property remains available on a number of short term letting sites.

#### **4.0 Conclusion**

- 4.1** The Council refutes the Appellant's assertion that the enforcement notice is invalid. They have failed to provide any evidence to support their assertion or dispute the vast amount of evidence provided by the Council of the permanent short term letting use which has been taking place since at least 2022. Evidence collated verifies that there is a clear planning breach at the site, and as the notice served seeks to rectify the breach, the Council is of the opinion that the notice issued is legitimate.
- 4.2** The loss of a permanent residential accommodation for use as short-term letting is considered to be unacceptable in principle, there are no conditions that the Council can suggest that would overcome the planning breach.
- 4.3** In light of the above, the Council respectfully request that the Inspector dismiss this appeal.

If you require any further information or clarification on any matter associated with this case please contact Angela Ryan on the above direct dial number.

Yours Sincerely,



Angela Ryan  
Planning Officer  
Culture and Environment Department