



## Case Management Conference

**APP/X5210/C/24/3340116:** Flat 4, 39 Belsize Square, LONDON, NW3 4HL

Appeal made under section 174 of the TCPA 1990 against the issuing of an enforcement notice by the Council of the London Borough of Camden. The appeal is made by Westgrove Management Limited.

The matter alleged in the enforcement notice to constitute a breach of planning control is:  
Without planning permission: The change of use from one three-bedroom flat located on the second and third floors to two flats.

### Case Management Conference Summary

**Friday 24 May 2024 @ 10:00 hrs**

1. The CMC took place via Teams. It was attended by Christine Hereward, Solicitor, for the appellant and by Sarah Sackman, Barrister, Elizabeth Beaumont, Appeals and Enforcement Manager, Miles Peterson, Planning Officer (Enforcement) and Anastasiya Sattarova, Lawyer, for the Council.
2. The first matter discussed was the appropriate procedure for determination of the appeal. An Inquiry was requested when the appeal was made, on the basis that ground (d) was one of the grounds pleaded. However, it has emerged that the appeal on ground (d) does not rely upon disputed evidence of fact, hence there is no clear need for evidence to be given under oath or affirmation. It was agreed that the issues are not complex and formal cross-examination of witnesses is unlikely to be required. Ultimately it was agreed that the appeal was more suited to the written representations procedure. The procedure will therefore be formally changed to written representations and the Inquiry date will be vacated. A new timetable will be instituted as follows:  
  
Full statements of case to be submitted by 21 June 2024. The Council has indicated that it will adduce evidence on parking stress and congestion.  
  
Representations from interested persons/parties will also be accepted up until 21 June.  
  
The main parties will then have until 12 July 2024 to provide final comments on each other's statement and on any comments from interested people/parties. No new evidence is allowed at this stage.  
  
A site visit will then be arranged, unless it is considered unnecessary.
3. Ground (a) and the DPA - Main issue, provisionally:
  - the effect of the development on parking stress and congestion in the surrounding area, having particular regard to development plan policies aimed at reducing congestion, promoting sustainable transport, improving air quality and promoting healthy lifestyles.



#### 4. Statement of Common Ground, Conditions, s106 Obligation/Undertaking

An agreed Statement of Common Ground has been submitted, as has a draft s106 Unilateral Undertaking which would restrict the holding of a Residents Parking Permit by one of the flats. The Council reserves the right to comment on the draft s106 Undertaking. The Undertaking must be executed as a deed before it can be taken into account.

#### 5. Costs

The parties reserve their position on costs.

#### 6. Any other procedural matters

It is directed that the Council promptly notify interested persons/parties and neighbours of the change of procedure and the amended timetable.

*Paul Dignan*

INSPECTOR

28 May 2024