

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/24/3345281

Appeal By

MR JEREMY POW OAKENFIELD ENTERPRISES LTD

Site Address

254-256 Belsize Road and 258 Belsize Road
LONDON
NW6 4BT

PART 1

1.a. Do you agree to the written representation procedure?

Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes ☒ No ☐

To assess the impact of the development.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?

Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?

Yes ☐ No ☒

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)

Yes ☒ No ☐

Please provide our reference numbers:

APP/X5210/C/24/3345282

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered?

Yes ☐ No ☒

4.b.i. Is the appeal fee exempt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
5.a. Is the appeal site within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
5.b. Is the appeal site adjacent to a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.b. Is the area of the alleged breach different from the above?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6.c. Does the alleged breach create any floor space?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.b. the deposit of materials remaining after mineral extraction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7.c. the storage of minerals in the open?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
11. Has any planning permission been granted previously in respect of the development?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please send a copy of the permission and all relevant documents e.g. the plans accompanying the application, or any other relevant correspondence about the application			
A copy of the permission and any documents necessary for its interpretation: <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13. Has a planning contravention notice been served?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please send a copy of the Planning Contravention Notice and the reply			
A copy of the PCN and the reply: <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
If YES, please state which one.			

A5

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 5

15. Please provide a plan of any public rights of way affected by the site.

☒ see 'Questionnaire Documents' section

16.a. Is the appeal site subject to an ARTICLE 4 Direction?

Yes ☒ No ☐

If YES, please send relevant Article 4 Direction.

☒ see 'Questionnaire Documents' section

16.b. What permitted development rights are affected by the Direction?

On 26th July 2021 the London Borough of Camden made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for sites within the North of the London Borough of Camden ("the Article 4 direction"). The Article 4 direction was confirmed on 29th June 2022 and came into force on 29th July 2022.

17. Have any development rights been restricted by means of a planning condition?

Yes ☐ No ☒

18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?

Yes ☐ No ☒

19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?

Yes ☐ No ☒

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes ☐ No ☒

Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes ☐ No ☒

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement?

Yes

☐ No



PART 6

21.a. a copy of the letter with which you notified people about the appeal.



☒ [see 'Questionnaire Documents' section](#)

21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.



☒ [see 'Questionnaire Documents' section](#)

the deadline you gave for their comments to be sent to us.

18/07/2024

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.



☒ [see 'Questionnaire Documents' section](#)

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.



Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.



List of policies

A1 Managing the impact of development A4 Noise and vibration D1 Design D2 Heritage E1 Economic development E2 Employment premises and sites E3 Tourism H1 Maximising housing supply H2 Maximising the supply of self-contained housing from mixed-use schemes H3 Protecting existing homes H6 Housing choice and mix H7 Large and small homes T1 Prioritising walking, cycling and public transport T2 Parking and car-free development Draft New Camden Local Plan – in consultation until March 2024 A1 Protecting Amenity A4 Noise and vibration CC2 Repurposing, refurbishment and re-use of existing buildings DS1 Delivering Healthy and Sustainable Development H1 Maximising housing supply H2 Maximising the supply of self-contained housing from mixed-use schemes H3 Protecting existing homes H6 Housing choice and mix H7 Large and small homes IE1 Growing a successful and inclusive economy IE2 Offices IE5 Hotel and visitor accommodation IE6 Supporting town centres and high streets T1 Safe, Healthy and Sustainable Transport T2 Prioritising walking, wheeling and cycling T3 Public Transport T4 Shared transport infrastructure and services T5 Parking and car-free development T6 Sustainable movement of goods, services and materials

☒ [see 'Questionnaire Documents' section](#)

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.



22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.



List of supplementary planning guidance

Employment Sites and Business Premises CPG 2021 Housing CPG 2021

☒ [see 'Questionnaire Documents' section](#)

22.d. extracts from any supplementary planning document that you consider necessary, together



with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

List of supplementary planning documents

H8 (Loss of existing housing and estate redevelopment) H9 (Ensuring the best use of stock)

☒ see 'Questionnaire Documents' section

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;



Date the DPD/Neighbourhood Plan is likely to be adopted:

28/01/2022

☒ see 'Questionnaire Documents' section

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;



22.g. your Authority's CIL charging schedule is being/has been examined;



22.h. your Authority's CIL charging schedule has been/is likely to be adopted.



Please provide the date of adoption:

31/10/2010

22.i. any other relevant information or correspondence you consider we should know about.



☒ see 'Questionnaire Documents' section

PART 7

23. A true copy of the Enforcement Notice

☒ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

☒ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☒ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☐ No



LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

EN23/0396

Completed by

Karina Wujek

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/24/3345281

Appeal By MR JEREMY POW OAKENFIELD ENTERPRISES LTD

Site Address 254-256 Belsize Road and 258 Belsize Road
LONDON
NW6 4BT

The documents listed below were uploaded with this form:

Relates to Section: PART 4
Document Description: 11. A copy of the permission and any documents necessary for its interpretation.
File name: 2014_7511_P Certificate of Lawfulness (Proposed) Prior Approval Granted, 258 Belsize Rd.pdf
File name: 2014_7511_P Examination of Test Pits 258-262 Belsize Rd.pdf
File name: 2014_7511_P 532_01 Location Plan.pdf
File name: 2014_7511_P Cover Letter by DP9.pdf
File name: 2014_7511_P Existing drawings.pdf
File name: 2014_7511_P Geotechnical Investigation.pdf
File name: 2014_7511_P Party Wall Details.pdf
File name: 2014_7511_P Piling, Foundation, GF.pdf
File name: 2014_7511_P Proposed drawings.pdf
File name: 2014_7511_P Report of an Intrusive Pre-Demolition Survey.pdf
File name: 2014_7511_P Site Investigation Report.pdf
File name: 2014_7511_P Contamination Risk Assessment by EAME.docx
File name: 2015_1136_P Approval of Details -2014_7511_P.pdf
File name: 2015_1136_P 532-100 rev.J Proposed GF.pdf
File name: 2015_1136_P bicycle racks.pdf
File name: 2015_1136_P ceiling point required heights.pdf
File name: 2015_1136_P Design Statement.pdf
File name: 2017_3731_P Approval of Details -2014_7511_P.pdf
File name: 2017_3731_P 532_299 rev.F Proposed Basement.pdf
File name: 2017_3731_P 532_300 rev.D Proposed GF.pdf
File name: 2017_3731_P 532_302 rev.C Proposed 1st Fl.pdf
File name: 2017_3731_P 532_303 rev.C Proposed 2nd Fl.pdf
File name: 2017_3731_P 532_304 rev.C Proposed 3rd Fl.pdf
File name: 2017_3731_P 532_305 rev.C Proposed 4th Fl.pdf
File name: 2017_3731_P mini wall anchor.pdf
File name: 2017_3731_P ramp.pdf
File name: 2017_3731_P stand specification.pdf

Relates to Section: PART 4
Document Description: 13. A copy of the Planning Contravention Notice (PCN) and the reply.
File name: EN23_0396 PCN 258 Belsize Road.pdf

Relates to Section: PART 5
Document Description: 15. A plan of any public rights of way affected by the site.
File name: PUBLIC RIGHTS OF WAY not affected.docx

Relates to Section: PART 5
Document Description: 16.a. Relevant Article 4 Direction.

File name:	Article 4 non-CAZ mod notice-final for issue.pdf
File name:	Article 4 North Map 1 close up on appeal site.pdf
File name:	Article 4 Direction outside CAZ KQ including plan.pdf
File name:	SMD Decision Sheet 17 June 2022.pdf
File name:	SMD agenda 17 June 2022.pdf
File name:	SMD Report 17 June 2022.pdf
Relates to Section:	PART 6
Document Description:	21.a. A copy of the letter with which you notified people about the appeal.
File name:	Notification -enforcement appeal 1of2- 258 Belsize Rd.pdf
Relates to Section:	PART 6
Document Description:	21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
File name:	Notification distribution list.pdf
File name:	Notification distribution list - units at appeal sites.pdf
Relates to Section:	PART 6
Document Description:	21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
File name:	Enforcement Delegated Report.pdf
Relates to Section:	PART 6
Document Description:	22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
File name:	Camden Local Plan - cover and introduction.pdf
File name:	A1 - Managing the Impact of Development.pdf
File name:	A4 - Noise and vibration.pdf
File name:	D1 - Design.pdf
File name:	D2 - Heritage.pdf
File name:	DM1 - Delivering and Monitoring.pdf
File name:	E1 - Economic Development.pdf
File name:	E2 - Employment Premises and Sites.pdf
File name:	E3 - Tourism.pdf
File name:	H1 - Maximising Housing Supply.pdf
File name:	H2 - Maximising the Supply of Self-Contained Housing from Mixed-Use Schemes.pdf
File name:	H3 - Protecting Existing Homes.pdf
File name:	H6 - Housing Choice and Mix.pdf
File name:	H7 - Large and Small Homes.pdf
File name:	T1 - Prioritising Walking, Cycling and Public Transport.pdf
File name:	T2 - Parking and Car Free Development.pdf
File name:	Pages from Draft New Camden Local Plan 2024 v1 - cover & introduction.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 2 policy DS1.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 7 policies H.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 8 policies CC.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 9 policies IE.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 13 policies A.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 14 policies T.pdf
File name:	Pages from Draft New Camden Local Plan - Appendix 1.pdf
File name:	Pages from Draft New Camden Local Plan - Appendix 2.pdf
File name:	Pages from Draft New Camden Local Plan - Appendix 3.pdf
File name:	Pages from Draft New Camden Local Plan - Appendix 4.pdf
File name:	Pages from Draft New Camden Local Plan - Photo Copyright Schedule.pdf
Relates to Section:	PART 6
Document Description:	22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted,

	and if so when.
File name:	Employment sites and business premises CPG January 2021.pdf
File name:	Housing CPG January 2021.pdf
Relates to Section:	PART 6
Document Description:	22.d. Extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.
File name:	Pages from London Plan 2021 - Introducing the Plan.pdf
File name:	Pages from the_london_plan_2021 - H8.pdf
File name:	Pages from the_london_plan_2021 - H9.pdf
Relates to Section:	PART 6
Document Description:	22.e. An explanation of the Council's policy position in respect of this appeal upon its adoption if any Development Plan Document (DPD) or Neighbourhood Plan is relevant to this appeal.
File name:	Kilburn Neighbourhood Forum Area (including minor correction).pdf
File name:	Kilburn Neighbourhood - Area application (2016).pdf
File name:	Kilburn Neighbourhood - Application for Forum designation (2015).pdf
File name:	Kilburn Neighbourhood Plan Forum Constitution.pdf
File name:	KNPF Application for re-designation.pdf
File name:	KNF redesignated for another 5 years on 28 January 2022.docx
Relates to Section:	PART 6
Document Description:	22.i. Any other relevant information or correspondence you consider we should know about.
File name:	Pages from Local List - cover and borough map.pdf
File name:	Pages from Local List - Kilburn.pdf
File name:	Pages from Local List - 252 Belsize Road and 254 Belsize Road.pdf
Relates to Section:	PART 7
Document Description:	23. A true copy of the Enforcement Notice.
File name:	EN23_0396, 254-256 & 258 Belsize Road - without schedule of addresses.pdf
Relates to Section:	PART 7
Document Description:	25. A list of those served with the Notice.
File name:	EN - with schedule of addresses.pdf
The documents listed below are to follow by post:	
Relates to Section:	PART 7
Document Description:	24. The Enforcement Notice Plan.
Completed by	Not Set
Date	11/06/2024 12:08:10
LPA	London Borough of Camden