



The Planning Inspectorate

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Your Ref: EN23/0396

Our Ref: APP/X5210/C/24/3345281

Further appeal references at foot of letter

Ms Karina Wujek
London Borough of Camden
Development Management
2nd Floor
5 Pancras Square
London
N1C 4AG

12 August 2024

Dear Ms Wujek,

Town and Country Planning Act 1990
Appeals by Mr Jeremy Pow Oakenfield Enterprises Ltd, Mr Jeremy Power Empire
Communications Ltd
Site Address: 254-256 Belsize Road and 258 Belsize Road, LONDON, NW6 4BT

I refer you to the above appeal.

Following receipt of the appellant's and the Council's Statements of Case, The Secretary of state have reviewed the procedure for this case against the 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals' <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals>

The Secretary state has decided to change the procedure from Hearing to Inquiry for the following reason.

The matter of the nature of the use (whether or not use as serviced apartments for short term lets has occurred) is complex and there is a need for the evidence to be given on oath and tested through formal questioning by advocates. In addition, although the appellants have not formally appealed on ground (c), their arguments that lawful C3 use occurred in any case prior to any such use also require evidence to be given on oath and formally tested by advocates.

We therefore intend to determine this appeal(s) by this procedure.

Please note that all the previous submitted documents will remain on the appeal.

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (b), (f), (g) as set out at Section 174(2) of the 1990 Act.

The following documents must be sent within this timetable.

By 17 September 2024

You and the appellant(s) must send me 2 copies of your proof of evidence (and a written summary if the proof is over 1500 words in length). A 'proof of evidence' is a written statement that you, the appellant(s) or a witness wishes the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence. When a summary is provided, only that will be read at the inquiry.

The appellant(s) must also send a copy of the agreed statement of common ground, listing all matters agreed between you and them. This should include basic facts such as the site description, area, planning history, relevant planning policies, and all other matters of agreement relating to the appeal(s). The Inspector may question the information in the statement. Further guidance on producing statements of common ground (and a model form) can be found at: <https://www.gov.uk/government/publications/statement-of-common-ground>.

If you propose to give, or call another person(s) to give evidence at the inquiry, you must also send us in writing an estimate of the time required to present all their evidence and confirmation of the number of witnesses you intend to call.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance, which is available from: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

A final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the inquiry opens.

Withdrawing the appeal(s)

If you hear that the appeal(s) is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

Costs

The appellant(s) has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at - <https://www.gov.uk/>

[government/publications/enforcement-appeals-procedural-guide](#). I recommend that you read the relevant guidance.

Yours sincerely,

Craig Maxwell
Craig Maxwell

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Linked cases: APP/X5210/C/24/3345282