

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE
PLANNING AND COMPENSATION ACT 1991)****ENFORCEMENT NOTICE****ISSUED BY: THE LONDON BOROUGH OF CAMDEN**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at: 98 Marchmont Street, London, WC1N 1AG as shown outlined in black on the attached plan (“the Property”).

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission:

1. Installation of a glazed aluminium shopfront.
2. Material change of use of the ground floor premises from café/restaurant (Class E) to hot-food takeaway (Sui Generis).
3. Installation of a flue and ancillary plant equipment at the rear elevation.

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) The unauthorised works to the shopfront and unauthorised flue and ancillary plant equipment at the rear of the property have been installed within the last 4 years.
- b) The unauthorised use of the ground floor premises as a hot-food takeaway (Class Sui Generis) has occurred within the last 10 years.
- c) The unauthorised works to the shopfront, by virtue of the materials used, design, and form, causes detrimental harm to the host building, surrounding

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Conservation area and setting of the neighbouring listed building, contrary to Policies D1 (Design), D2 (Heritage), and D3 (Shopfronts) of the Camden Local Plan 2017.

- d) The unauthorised flue and ancillary plant equipment at the rear, by virtue of its location and bulk, creates a visually discordant appearance in this part of the Conservation Area contrary to Policies A1 (Managing the impact of development), D1 (Design), and D2 (Heritage) of the Camden Local Plan 2017.
- e) In the absence of a planning approval for a workable scheme, the unauthorised plant equipment by virtue of a nuisance via noise and odour, causes harm to the amenity of the area and local residential occupiers, contrary to Policies A1 (Managing the impact of development), A4 (Noise and Vibration), and TC4 (Town centre uses) of the Camden Local Plan 2017.
- f) The unauthorised use of the property as a hot-food Takeaway premises, by virtue of the nature of the use including increased pickups by delivery riders, hours of operation, and lack of a waste management plan causes harm to the amenity of the area and local residential occupiers, contrary to Policy A1 (Managing the impact of development), and TC4 (Town centre uses) of the Camden Local Plan 2017.
- g) The unauthorised use of the property as a Takeaway premises, by virtue of the nature of food items and drinks that are being traded and proximity to sensitive uses, causes harm to the health and wellbeing of the area, contrary to Policy E9 (Retail, markets, and hot food takeaways) of the London Plan 2021, and Policy C1 (Health and wellbeing) of the Camden Local Plan 2017.

5. WHAT YOU ARE REQUIRED TO DO

Within a period of **FOUR (4) months** of the Notice taking effect:

1. Completely remove the glazed aluminium shopfront and insert a shopfront to match the lawful pre-existing (excluding the red Perspex fascia advertisement and internally illuminated projecting advertisement – unlawful) in profile, materiality, and design (as depicted by the red outlining in Appendix 1).
2. Cease the use of the ground floor premises as a hot-food takeaway (Sui Generis).
3. Completely remove the flue and ancillary plant equipment at the rear elevation.
4. Removal all constituent materials from the site and make good any damages caused by the above operations.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **28 September 2024** unless an appeal is made against it beforehand.



DATED: 16 August 2024 Signed:

**Chief Planning Officer, Supporting Communities on behalf of the
London Borough of Camden, Town Hall, Judd Street, London
WC1H 8JE**

**Explanatory Note Pursuant to Regulation 5 of the Town and Country
(Enforcement Notices and Appeals) (England) Regulations 2002**

An appeal may be brought on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable

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under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should be submitted at the same time as the appeal form is submitted. The fee is payable:

By credit/debit card by phone: call 020 7974 4444 or by BACS transfer to:

London Borough of Camden NatWest Account.

Sort code: 50-30-03

Account number: 24299480

You must use the Council's reference EN24/0081.

The fee is £924.00

The TOTAL FEE payable is £924.00 (i.e. £462.00 x 2)

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **28 September 2024**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

For the full sections of the act please see:

<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>



Appendix 1

