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The Planning Inspectorate  
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Temple Quay House  
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Dear Amy Booth,

**Town and Country Planning Act 1990 as amended**

**Planning Appeal Statement (Local Planning Authority)**

**54 Eversholt Street, NW1**

Enforcement Notice dated 20<sup>th</sup> February 2024 regarding the material change of use of the ground floor commercial unit from Class E (Commercial, business and service) to Class C3 (Dwellinghouse) and the replacement of an existing shopfront.

**Summary**

The appeal relates to 54 Eversholt Street, part of a block of locally listed buildings, located on the retail frontage between 52-56 Eversholt Street within the Eversholt Street South Neighbourhood Centre.

The site previously contained a retail unit (Victory Café) at ground floor level at 54 Eversholt Street. However, the ground floor has now been converted (without planning permission) into a one-bedroom flat (C3).

Additionally, the shopfront for the café has been removed and replaced with a residential exterior and separate front door.

The upper floors are in residential use and the basement has been used for storage for over four years. As the shopfront was removed without planning permission and a change of use from E to C3 occurred, an enforcement notice was served on 20 February 2024.

The Council's principal Statement of Case is the Delegated Report attached. The below simply addresses the Appellant's grounds of appeal.

**Comments on Appellant's grounds of appeal:**

**The Appellants have appealed on grounds A and G. The grounds of appeal are set out in the appeal form, and these are summarised and addressed below under these headings.**

**Ground A- that Planning permission should be granted for what is alleged in the notice**

The Appellant argues on ground A that planning permission should be granted for what is alleged in the notice for several reasons. Firstly, they claim that a shopfront has been retained despite the change of use to residential accommodation. The Council considers that the shopfront of the previous business or similar has not been retained, and while the residential frontage may mimic a shopfront, its character is severely diminished from that of a real shopfront through its residential use, and it clearly breaks the pattern of other shopfronts on this retail frontage. The resulting broken frontage negatively impacts the success and vibrancy of the Neighbourhood Centre, the harm of which is alluded to in the Council's delegated report.

Secondly, the Appellant suggests that the unauthorised unit provides a high standard of residential accommodation. While development standards have been addressed in the Officers delegated report, compliance with planning policy on Quality of Accommodation alone is not sufficient to gaining planning acceptability if harm is derived from other aspects of the unauthorised development. Moreover, concerns surrounding daylight/sunlight are present and mentioned in this same report.

Thirdly, the Appellant argues that because the site is in a controlled parking zone, a Section 106 Agreement to secure car-free development is not necessary. Furthermore, the Appellant confirms that they are agreeable to a planning condition requiring car-free development. Policy T2 of the Camden Local Plan requires all new developments to be car-free. The Council uses S106 obligations, which are registered as land charges to secure the car-free policy, as they are a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car-free. This is not something that can be achieved through the imposition of a planning condition. Without the relevant S106 Agreement, the development does not comply with Policy T2 of the Local Plan.

The above notwithstanding, a car-free S106 agreement at this address would not negate the harm caused by the loss of the shopfront and its consequent impact on the retail frontage. However if the Inspector is minded to uphold the Appeal, the Council would require a S106 Agreement to be put in place, and the Appellant is to be sent a draft on this basis.

**Ground G- The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.**

The Appellant requests an extension of 3 to 8 months for the compliance period of the enforcement notice due to the current occupation of the property by a tenant. The Council leaves with the Inspector the option to grant a longer compliance period for this reason. In this eventuality it would be helpful for the Appellant to demonstrate this need by producing the relevant tenancy agreement.

In light of the above, the Council kindly requests that the Inspector dismiss the Appeal.

Yours Sincerely

Miles Peterson  
Planning Enforcement Officer  
Supporting Communities Directorate

