

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**FULL STATEMENT OF CASE IN SUPPORT OF
SECTION 174 APPEAL
(WRITTEN REPRESENTATIONS)**

Without planning permission the material change of the ground floor commercial unit from Class E (Commercial, business and service) to Class C3 (Dwellinghouse) and the replacement of an existing shopfront.

On behalf of Claude Pini

54 EVERSOLT STREET, LONDON NW1 1DA

Our ref: YM/Pini/0324/ch

PINS REF: APP/X5210/C/24/3341848



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1 SITE AND SURROUNDINGS

- 1.1 The appeal site is located at 54 Eversholt Street, London, NW1 1DA. It comprises the ground floor of a multi-storey building in the London Borough of Camden.
- 1.2 The surrounding area is characterized by a mix of residential and commercial uses, typical of an inner London neighbourhood.
- 1.3 The site is not located within a Conservation Area and is not a Listed Building.

2 RELEVANT PLANNING HISTORY

- 2.1 None

3 APPEAL PROPOSAL

- 3.1 The appeal relates to an enforcement notice issued by the London Borough of Camden (reference: EN23/0852) for the following alleged breach of planning control:
 1. The alleged breach of planning control has occurred within the last 4 years
 2. The unauthorised use has resulted in the loss of a commercial unit creating a broken frontage which has a negative impact on the success and vibrancy of the Neighbourhood Centre and the significance of the building and wider townscape contrary to policies TC1 and TC2 of the Camden Local Plan (2017).

3. In absence of a S106 legal agreement to secure the development as car-free, the development contributes unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring of the Camden Local Plan)

The enforcement notice sets out steps for remedial works which include the following:

1. Within 3 months cease the use of the ground floor for residential (C3) purposes and reinstate the lawful commercial use (Class E)
- 3.2 This section 174 appeal is made on ground **(a)** and **(g)**.

4 PLANNING POLICY

- 4.1 MHCLG's National Planning Policy Framework (2023)
- 4.2 GLA's London Plan (2021)
- 4.3 Camden Local Plan (2017)

5 AMPLIFICATION OF THE APPELLANT'S GROUNDS OF APPEAL

Ground (a) Appeal

Consent for the material change of the ground floor commercial unit from Class E (Commercial, business and service) to Class C3 (Dwellinghouse) and the replacement of an existing shopfront

- 5.1 The appellant has opted to challenge the Council's decision to take Enforcement action on ground (a) - That planning permission should be granted for what is alleged in the notice.

Change of use

- 5.2 Point 2 of the enforcement notice states that the Council are of the view that *'The unauthorised use has resulted in the loss of a commercial unit creating a broken frontage which has a negative impact on the success and vibrancy of the Neighbourhood Centre and the significance of the building and wider townscape'*
- 5.3 The change of use from Class E to Class C3 is supported by several national and local policies that encourage the provision of housing in sustainable locations.
- 5.4 The NPPF paragraph 123 states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses. The change of use to residential aligns with this objective.
- 5.5 Policy H1 of the London Plan (2021) emphasizes the need to significantly increase the supply of housing across London. The conversion of this unit contributes to this goal.
- 5.6 Camden Local Plan Policy H1 supports the maximisation of the housing supply in the borough. This change of use directly contributes to increasing housing stock in a sustainable location.
- 5.7 While we acknowledge the Council's concern about the loss of a commercial unit it is important to note that the site is not within a designated town centre or local shopping area. Policy TC1 of the Camden Local Plan primarily aims to protect retail uses in such designated areas.

- 5.8 The appeal site is located within a neighbourhood centre and the conversion of this unit does not ultimately impact the economic viability of the area.
- 5.9 The conversion results in an affordable one-bedroom studio apartment in a location that boasts the highest PTAL rating of 6b.
- 5.10 Regarding the shopfront replacement, it is considered that the new frontage is in keeping with the character of the area and does not detract from the overall street scene. Compared to other shopfronts nearby, the replacement is an improvement in this regard.

Impact on transport

- 5.11 Point 3 of the enforcement notice states that the development contributes unacceptably to parking stress and congestion in the surrounding area, however, this is not the case.
- 5.12 The development is car-free, which aligns with Camden's sustainable transport policies, particularly Policy T1 (Prioritising walking, cycling and public transport) and T2 (Parking and car-free development). This approach reduces potential parking stress and congestion in the surrounding area. It should also be noted that the area is subject to a controlled parking zone.
- 5.13 In addition to this, as mentioned previously the appeal site has a PTAL rating of 6b which boasts great transport connections around the city limiting any reliance on a personal vehicle to get around.
- 5.14 In any event, the appellant is agreeable to the imposition of a planning condition requiring the development to be car-free.

Ground (g) Appeal

- 5.15 The appellant has opted to challenge the Council's decision to take Enforcement action on ground (g) – That the time given to comply with the notice is too short.
- 5.16 The enforcement notice requires the appellant within 3 months to cease the use of the ground floor for residential (C3) purposes and reinstate the lawful commercial use (Class E).
- 5.17 The compliance period is completely unworkable due to the premises being currently occupied by a tenant on a tenancy agreement. A compliance period of at least 8 months is politely requested to allow time for arrangements to be made for the tenant to relocate.

6 CONCLUSION

- 6.1 The change of use from Class E to Class C3 at 54 Eversholt Street aligns with national, regional, and local policies that support housing provision in sustainable locations.
- 6.2 The development is car-free, supporting Camden's sustainable transport objectives.
- 6.3 The loss of a single commercial unit in this location does not significantly impact the wider economic vitality of the area.
- 6.4 On balance, it is considered that the change of use complies with the relevant policies of the development plan when taken as a whole. The appellant therefore respectfully requests that the enforcement notice be quashed and planning permission be granted for the change of use and associated works.