

Enforcement Delegated Report

Receipt date:

28/05/2024

Officer

Angela Ryan

Enforcement Case

EN24/0418

Breach Address

Ground Floor Flat
255 Goldhurst Terrace
London
NW6 3EP

Photos & Other material

On file

Authorised Officer Signature



19/06/2024

Alleged Breach

Recommendation(s):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the Owner/Occupier to cease the use of the ancillary outbuilding for temporary sleeping accommodation and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

Site Description

The site comprises a three-storey detached Victorian property, located on the south side of Goldhurst Terrace. The property is sub-divided into 3 self-contained flats and has a large rear garden.

The building is not listed but is located within the South Hampstead Conservation Area and identified as making a positive contributor to the area.

It should also be noted that the area is subject to an Article 4 Direction.

Investigation History

Following on from the Council's short term let initiative in the Bloomsbury Area in 2020 a desk top study has been undertaken to review short-term let breaches in 2024. The Council's latest review was able to locate the property on the Airbnb website as listed below. This indicates that the property is in use as temporary sleeping accommodation, and has continued since at least October 2023.

[Harmonious Hideaway | Cabin Retreat | Creed Stay - Cabins for Rent in Greater London, England, United Kingdom - Airbnb](#)

The attached evidence (see appendix1) showing short-term let use is shown below and demonstrates that a breach of planning control has taken place.

The owner/occupier has not been contacted, however given that the use is a breach of planning the resulting harm of using an outbuilding for independent residential accommodation is considered sufficient to warrant initiating formal enforcement action. The owner will have the opportunity to provide any relevant information to substantiate that the breach alleged has not occurred before the notice takes effect should it be necessary.

Relevant policies / GPDO Category

National Planning Policy Framework (2023): Paragraph 59

Camden Local Plan (2017)

A1 Managing the impact of development

Camden Planning Guidance (2021)

CPG – Amenity: Chapter 6

Assessment

Relevant Planning History:

03/07/2011 - Certificate of Lawfulness **granted** for existing use as 3 self-contained flats (**Ref: PWX0103262**)

21/09/2011- Permission **granted** for the erection of single-storey timber outbuilding in rear garden ancillary to ground floor flat (Class C3) (Retrospective). (**Ref: 2011/3071/P**)

Relevant Enforcement History:

In 2010 a complaint was received relating to the erection of wooden structure at the back of the property (**Ref: EN10/0976**). The case was subsequently closed given planning permission was granted for the outbuilding (See relevant planning history above)

Issues: The outbuilding was granted permission as ancillary to the main use of the ground floor flat for residential use. The current use of the outbuilding as a separate planning unit and it being used for short-term letting is unauthorised and is unacceptable in principle. The transient nature of the use of the outbuilding as temporary sleeping accommodation has the potential to cause disturbance to neighbouring occupants.

Assessment:

Summary

The use of this ancillary outbuilding located in the rear garden for temporary sleeping accommodation is unacceptable in principle.

One of the reasons why the Council seeks to restrict short-term letting is because holiday-makers and others staying in properties for short periods of time are less likely to treat the area in a manner that has respect for the peace and privacy of other, permanent, residents who live within the vicinity, and therefore residential amenity is often diminished through noise and disturbance. In this case, the main property is sub-divided into three self-contained flats. As the occupants of the ground floor flat are the persons responsible for operating the unauthorised use in this ancillary outbuilding, the remaining occupiers residing in the upper floor residential units can be subjected to noise and disturbance at unsociable hours by virtue of the comings and goings of the clientele.

Also, temporary accommodation normally require frequent maintenance and management, which can lead to regular comings and goings of cleaning and maintenance staff. This activity can also be disruptive to normal residential use in the area.

Section 25 of the Greater London Council (General Powers) Act 1973, permits residential premises in Greater London to be used for 'temporary sleeping accommodation' under specific conditions. As the outbuilding is not a residential dwelling the legislation does not apply in this instance.

Amenity: The outbuilding is located in the rear garden of the main property which is currently sub-divided into 3 x self-contained flats. As previously stated, the comings and goings at the property is

likely to give rise to an associated increase in overall noise and disturbance, as access to the property is via a path located to the side of the main building, where visitors are more likely to come and go at different hours of the day and night to access the rear garden compared to permanent residential occupiers.

Conclusion:

On balance, the evidence suggests that there has been a breach of planning control. In these circumstances it is recommended that an Enforcement Notice is issued.

Recommendation: That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the Owner/Occupier to cease the use of the ancillary outbuilding for temporary sleeping accommodation and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

The notice shall allege the following breaches of planning control: Without planning permission: the change of use of an ancillary outbuilding to temporary sleeping accommodation.

WHAT ARE YOU REQUIRED TO DO:

1. Permanently cease the use of the ancillary outbuilding for temporary sleeping accommodation.

PERIOD OF COMPLIANCE: 1 Month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

1. It appears to the Council that the above breach of planning control has occurred within 10 years
2. The unauthorised use of the ancillary outbuilding for temporary sleeping accommodation and associated high turnover of people coming and going at the site results in the potential for increased incidences of noise and disturbance at unsociable hours to the detriment of the nearby/neighbouring occupiers contrary to policy A1 (Managing the impact of development) of the Camden Local Plan (2017)