



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 15 January 2025

Appeal Ref: APP/X5210/C/23/3334995

Flat A, 10 Greenland Road, London NW1 0AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Emel Yilmaz against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 17 November 2023.
 - The breach of planning control as alleged in the notice is: The change of use of a residential flat to use as temporary sleeping accommodation/holiday lets.
 - The requirement of the notice is: Permanently cease the use of the flat for temporary sleeping accommodation.
 - The period for compliance with the requirement is: 1 month.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. The circumstances of the appeal do not require any consideration of planning merits or a visual inspection of the premises. For these reasons, and because of the background set out below, there was no need to visit the appeal site. Neither side has been prejudiced by my proceeding on this basis.

Reasons

3. The appellant initially claimed that the Council was wrong about the alleged use of the flat. However, to be very fair to the appellant, they undertook their own investigations and discussions with the tenant of the flat and discovered that in fact the premises had been used for short term lettings for more than 90 days in a year. Thus, it is the case that the matters alleged in the notice have occurred. Therefore, the appeal cannot succeed. It is not within my power to have the notice withdrawn as requested by the appellant. However, compliance with the requirement of the notice, which the appellant has taken positive steps towards, would bring the matter to a close.

Conclusion

4. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Gareth Symons

INSPECTOR