

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/24/3352400

Appeal By

MR MITCHELL LEIGH

Site Address

Flat 1 35 Broadhurst Gardens
London
NW6 3QT

PART 1

1.a. Do you agree to the written representation procedure? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

To assess the impact on the Conservation Area.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes No

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes No

Please provide our reference numbers:

APP/X5210/C/24/3352401

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No

4.b.i. Is the appeal fee exempt? Yes No

4.b.ii. Please state why the appeal is fee exempt?

Application 2023/2847/P fee paid.

5.a. Is the appeal site within a conservation area? Yes No

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area: South Hampstead

Designated: 2011

Plan of the conservation area:

see 'Questionnaire Documents' section

5.b. Is the appeal site adjacent to a conservation area? Yes No

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes No

6.b. Is the area of the alleged breach different from the above? Yes No

6.c. Does the alleged breach create any floor space? Yes No

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes No

7.b. the deposit of materials remaining after mineral extraction? Yes No

7.c. the storage of minerals in the open? Yes No

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes No

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes No

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes No

11. Has any planning permission been granted previously in respect of the development? Yes No

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

If YES, please provide

12.a. the date of the relevant application	<input type="text" value="06/09/2023"/>		
12.b. the date of the LPA's decision (if any)	<input type="text" value="12/02/2024"/>		
12.c. a copy of the decision (if any)	<input checked="" type="checkbox"/> see 'Questionnaire Documents' section		
12.d. the reference number	<input type="text" value="2023/2847/P"/>		
13. Has a planning contravention notice been served?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 5

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes No

If YES, please send relevant Article 4 Direction.

see 'Questionnaire Documents' section

16.b. What permitted development rights are affected by the Direction?

17. Have any development rights been restricted by means of a planning condition? Yes No

18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? Yes No

19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? Yes No

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement? Yes No

PART 6

21.a. a copy of the letter with which you notified people about the appeal.

see 'Questionnaire Documents' section

21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.

see 'Questionnaire Documents' section

the deadline you gave for their comments to be sent to us.

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

see 'Questionnaire Documents' section

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

see 'Questionnaire Documents' section

Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.

List of policies

see 'Questionnaire Documents' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.

22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

List of supplementary planning guidance

see 'Questionnaire Documents' section

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

List of supplementary planning documents

The London Plan (2021) policies D4 and HC1

[see 'Questionnaire Documents' section](#)

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

[see 'Questionnaire Documents' section](#)

22.g. your Authority's CIL charging schedule is being/has been examined;

22.h. your Authority's CIL charging schedule has been/is likely to be adopted.

22.i. any other relevant information or correspondence you consider we should know about.

[see 'Questionnaire Documents' section](#)

PART 7

23. A true copy of the Enforcement Notice

[see 'Questionnaire Documents' section](#)

25. A list of those served with the Notice

[see 'Questionnaire Documents' section](#)

26. Do you wish to attach your statement of case? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/24/3352400

Appeal By MR MITCHELL LEIGH

Site Address Flat 1 35 Broadhurst Gardens
London
NW6 3QT

The documents listed below were uploaded with this form:

Relates to Section: PART 2
Document Description: 5.a. Plan of the Conservation Area.
File name: South Hampstead CAMS (2011).pdf
File name: South Hampstead CA Urban Grain.pdf
File name: South Hampstead CA Tree Character.pdf
File name: South Hampstead CA Townscape.pdf
File name: South Hampstead CA Topography.pdf
File name: South Hampstead CA Designation date.pdf
File name: South Hampstead CA Character Area.pdf
File name: South Hampstead CA map.pdf

Relates to Section: PART 4
Document Description: 12. A copy of the decision.
File name: 2023_2847_P Decision.pdf
File name: 2023_2847_P 1xOBJ CRASH.pdf
File name: 2023_2847_P 3xOBJ.pdf
File name: 2023_2847_P MB Pack.pdf

Relates to Section: PART 5
Document Description: 16.a. Relevant Article 4 Direction.
File name: Article 4 Direction Notice & Schedules - formerly Swiss Cottage-adopted 1 Sept 2010.pdf
File name: Article 4 Design_Guide.pdf
File name: Article 4 Fact Sheet.pdf
File name: Article 4 - map.pdf

Relates to Section: PART 6
Document Description: 21.a. A copy of the letter with which you notified people about the appeal.
File name: notification letter enforcement Flat 1, 35 Broadhurst Gardens.pdf

Relates to Section: PART 6
Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
File name: notification distribution list.pdf

Relates to Section: PART 6
Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
File name: Enforcement Delegated Report.pdf

Relates to Section: PART 6
Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

File name:	Camden Local Plan - cover and introduction.pdf
File name:	D1 - Design.pdf
File name:	D2 - Heritage.pdf
Relates to Section:	PART 6
Document Description:	22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.
File name:	Design CPG January 2021 - chapters 1, 2, 3.pdf
File name:	Home Improvements CPG January 2021 Cover & introduction.pdf
File name:	Home Improvements CPG January 2021 Home Improvements-materials, extensions, alterations.pdf
File name:	Home Improvements CPG January 2021 Appendices.pdf
Relates to Section:	PART 6
Document Description:	22.d. Extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.
File name:	Pages from London Plan 2021 - Introducing the Plan.pdf
File name:	Pages from London Plan 2021 - D4.pdf
File name:	Pages from London Plan 2021 - HC1.pdf
File name:	Pages from London Plan (2021) Glossary.pdf
File name:	Pages from London Plan (2021) Definitions.pdf
Relates to Section:	PART 6
Document Description:	22.f. An explanation of any substantive changes in the progress of the emerging plan if any Development Plan Document (DPD) or Neighbourhood Plan is relevant to this appeal.
File name:	Pages from Draft New Camden Local Plan 2024 v1 - cover & introduction.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 12 policies D.pdf
File name:	Pages from Draft New Camden Local Plan - West Camden.pdf
File name:	Pages from Draft New Camden Local Plan - Photo Copyright Schedule.pdf
Relates to Section:	PART 6
Document Description:	22.i. Any other relevant information or correspondence you consider we should know about.
File name:	A1 - Managing the Impact of Development.pdf
File name:	Pages from Draft New Camden Local Plan - Chapter 13 policies A.pdf
File name:	2018_1961_P Certificate, 35A Broadhurst Gardens.pdf
File name:	2018_4983_P Certificate, 35A Broadhurst Gardens -rear of.pdf
File name:	2021_0412_P Decision, 35A Broadhurst Gardens - rear of.pdf
File name:	2021_0412_P Cover Letter.pdf
File name:	2021_0412_P Arboricultural survey.pdf
File name:	2021_0412_P Arboricultural - letter.pdf
File name:	2021_0412_P dwg - proposed.PDF
File name:	2021_0412_P dwg - existing.PDF
File name:	2021_0412_P Drawing revision 1.pdf
File name:	2021_0412_P Maintenance.pdf
File name:	2021_0412_P Sky Garden.pdf
File name:	2021_0412_P Technical data.pdf
File name:	2023_0702_P Decision, 35A Broadhurst Gardens.pdf
File name:	2023_0702_P Heritage statement.pdf
File name:	2023_0702_P DAS (February 2023).pdf
File name:	2023_0702_P Arboricultural survey.pdf
File name:	2023_0702_P BRO_E_0001 Location plan.pdf
File name:	2023_0702_P BRO_E_0010 issue P1.pdf
File name:	2023_0702_P BRO_E_0060 issue P1.pdf
File name:	2023_0702_P BRO_E_0070 issue P1.pdf

File name: 2023_0702_P BRO_E_0080 issue P1.pdf
File name: 2023_0702_P BRO_P_0110 issue P1.pdf
File name: 2023_0702_P BRO_P_0110 issue P3.pdf
File name: 2023_0702_P BRO_P_0160 issue P1.pdf
File name: 2023_0702_P BRO_P_0170 issue P1.pdf
File name: 2023_0702_P BRO_P_0180 issue P1.pdf
File name: 2023_4491_P Decision, 35A Broadhurst Gardens.pdf
File name: 2023_4491_P Sky Garden.pdf
File name: 2023_4491_P Specifications.pdf
File name: 2023_4491_P Arboricultural survey.pdf
File name: 2023_4491_P BRO_E_0001 Location plan.pdf
File name: 2023_4491_P BRO_E2_011 issue P1.pdf
File name: 2023_4491_P BRO_E2_060 issue P1.pdf
File name: 2023_4491_P BRO_E2_070 issue P1.pdf
File name: 2023_4491_P BRO_P2_110 issue P2.pdf
File name: 2023_4491_P BRO_P2_111 issue P1.pdf
File name: 2023_4491_P BRO_P2_160 issue P1.pdf
File name: 2023_4491_P BRO_P2_170 issue P3.pdf
File name: 2023_4491_P DAS (October 2023).pdf
File name: 2024_2904_P Approval of Details, 35A Broadhurst Gardens.pdf
File name: 2024_2904_P Drawing compressed.pdf
File name: 2024_2902_P KBA_BRO_Conditions_B.pdf
File name: 2024_2902_P Ground Contamination Phase II Report rev1.pdf
File name: 2024_2902_P Asbestos Refurbishment_Demolition Survey.PDF
File name: 2024_2902_P Approval of Details, 35A Broadhurst Gardens.pdf
File name: 2024_1744_P Approval of Details, Flat 1 35 Broadhurst Gardens.pdf
File name: 2024_1744_P Drawing compressed.pdf
File name: 2024_1743_P KBA_BRO_Conditions_A.pdf
File name: 2024_1743_P Approval of Details, Flat 1 35 Broadhurst Gardens.pdf

Relates to Section: PART 7
Document Description: 23. A true copy of the Enforcement Notice.
File name: Enforcement Notice - without schedule of addresses.pdf

Relates to Section: PART 7
Document Description: 25. A list of those served with the Notice.
File name: EN with schedule of addresses.pdf

The documents listed below are to follow by post:

Relates to Section: PART 6
Document Description: 21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

Completed by
Date
LPA