

Date: 28th January 2025
PINS ref APP/X5210/C/24/3352007
LPA ref: EN24/0168
Email: Joshua.Cheung@camden.gov.uk
Direct Line: 020 7974 3383

**Regeneration and Planning
Supporting Communities**

London Borough of Camden
5 Pancras Square
London
N1C 4AG

Phone: 020 7974 4444

camden.gov.uk

<https://www.camden.gov.uk/planning-building-development>

The Planning Inspectorate
Eagle Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Georgia McLoughlin,

Town and Country Planning Act 1990 as amended
Planning Enforcement Appeal Statement (Local Planning Authority)

Site: 44-46 Caversham Road, London, NW5 2DS

Appeal by: National Car Parks LTD

Enforcement Notice dated 13th August 2024.

I write in connection with the above appeal against the Enforcement Notice dated 13th August 2024, requiring for the cessation of the unauthorised use of the site as a car park (sui generis).

The Council's case is set out in the Enforcement Delegated Report, which a copy has been sent with the questionnaire, and is to be relied on as the Council's principal Statement of Case.

There is a related appeal against the Council's decision to refuse permission for the notice's alleged works under PINS reference 3348829 (Council's reference: 2024/2094/P) that is running adjacent to this enforcement appeal. A copy of the Council's written representation and supporting documents for this appeal, which supports the enforcement position on these matters, is attached separately (Appendices A – D).

Nonetheless, in addition to the information sent with the questionnaire, the Council would be grateful if the Inspector would consider the LPA's below response to the appellant's enforcement appeal, which includes confirmation of the status of policy and guidance, comments on the appellant's grounds of appeal, and further matters that the Council respectfully requests be considered without prejudice before deciding the appeal.

Yours sincerely,

Joshua Cheung
Planning Enforcement Officer
Supporting Communities Directorate

1. Summary

1.1 The site comprises open hardstanding land and a small 'security-hut' style outbuilding by the entrance. The site is located on the north side of Caversham Road, to the immediate west of the railway line, and lies within the Bartholomew Estate Conservation Area. The lawful use of the site is Class B8 (storage of building materials / vehicles).

1.2 Following an enforcement enquiry, a retrospective planning application (referenced 2024/2094/P) was submitted to Camden Council for the 'Change of use of land used for storage of vehicles (Class B8) to public car park (Sui Generis)' and was refused with warning of enforcement action on the 19th July 2024.

1.3 This decision has been appealed against (under PINS reference: 3348829) and is running concurrent to this enforcement appeal. The 3348829 Statement of Cases were submitted to PINS late last year.

1.4 Nonetheless, following issue of the formal refusal, an Enforcement Notice – subject of this appeal and statement of case – was served on the 13th August 2024, alleging:

Without planning permission: The change of use from Use Class B8 (Building materials storage) to use as a car park (Class Sui Generis).

1.5 And requiring that:

Within a period of ONE (1) month of the Notice taking effect: Cease the use of the site as a Car Park (Class Sui Generis).

1.6 The reasons for serving the notice are the same (excluding a.) as the reasons for refusal of the 2024/2094/P application:

- a. *The change of use has occurred within the last 10 years.*
- b. *The use of the land for car parking is contrary to policies G1 (Delivery and location of growth) and H1 (Maximising housing supply) of the Camden Local Plan 2017 on the basis of ineffective and inefficient land use, and housing as the priority land use of the Local Plan.*
- c. *The use of the land for car parking promotes the use of private motor vehicles, fails to encourage the use of sustainable modes of transport, exacerbates local traffic conditions and harms local amenity, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and A1 (Managing the impact of development) of the Camden Local Plan 2017.*

2. Relevant planning history

8600880 – Construction of 2.5m wide crossover. Granted on the 22nd September 1986.

2004/1361/P – Certificate of Lawfulness (Existing): For use of the yard as open storage yard for building materials. Granted on the 20th May 2004.

2022/3351/P – Certificate of Lawfulness (Proposed): Use of the land for open storage of rental vehicles with no public access to the site (Class B8). Granted on the 18th October 2022.

2024/2094/P - Change of use of land used for storage of vehicles (Class B8) to public car park (Sui Generis). Refused with warning of enforcement action on the 19th July 2024. The subject of this notice/report.

3. Status of policies and guidance framework

3.1 In arriving at its current position, Camden Council has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The development subject to this appeal was considered in the light of the following policies:-

National Planning Policy Framework (2023)

- Section 5 – ‘Delivering a sufficient supply of homes’
- Section 9 – ‘Promoting sustainable transport’
- Section 11 – ‘Making effective use of land’

The London Plan (2021)

- H1 – Increasing housing supply
- T1 – Strategic approach to transport
- T6 – Car parking
- D14 – Noise
- GG2 – Making the best use of land

3.2 The full text of each of the below policies and guidance has been sent with the Council's questionnaire documents.

Camden Local Plan (2017)

- G1 – Delivery and location of growth
- H1 – Maximising housing supply
- A1 – Managing the Impact of Development
- T1 – Prioritising Walking, cycling and public transport
- T2 – Parking and Car-free development
- The Kentish Town Neighbourhood Plan (2016)
- D2 - Railway Lands

Camden Planning Guidance (2021)

- CPG Transport (2021) – Section 5 (Parking and car-free development)
- CPG Amenity (2021) – Section 6 (Noise and vibration)

3.3 It is noted that the Council has begun the process of updating the Local Plan. Having looked at the relevant emerging policies, I am of the opinion that there is no material difference that would alter the Council's decision and within this appeal.

3.4 It is also noted that there have been recent changes to the NPPF. Having looked at the relevant adopted policies, I am of the opinion that there no material difference that would alter the Council's decision and within this appeal.

4. LPA's response to the appellant's statement of case

4.1 The appellant has appealed the Enforcement Notice under Ground G only (*"that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed"*). The appellant has set out their case in their Appeal Form, which has been copied, pasted, and formatted in italics below and responded to underneath.

4.2 **Appellant:** *The site is currently subject of an appeal against the refusal by Camden Council to allow the change of use of the land for a public car park. The appeal reference is APP/X5210/W/24/3348829. The formal start date of the appeal has only been confirmed in the last 2 weeks and therefore it would be reasonable to allow sufficient tie for the planning appeal to run its course before having to vacate the land as required by the enforcement notice. It is considered that 4 months from the 25th September should be granted so that the planning appeal can be decided. If the planning appeal is allowed then the enforcement notice can be quashed.*

4.3 **Response:** The appeal against the enforcement notice itself has paused the requirement to cease the unauthorised use. At present time, there is no argument against the 1 month compliance period, so the Council is unable to comment further and Ground G should fail.

4.4 The Council kindly invites the inspector to dismiss this appeal and uphold the enforcement notice.

If any further information or clarification on any matter associated with this case is required, please do not hesitate to contact Joshua Cheung on the above email or direct dial number.

Yours sincerely,

Joshua Cheung
Planning Enforcement Officer
Supporting Communities Directorate