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The Planning Inspectorate
Team E1
Temple Quay House
2 The Square
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Dear Jeremy Richards,

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

Site: 256 Kentish Town Road, London, NW5 2AA

**Appeal by: THE COLUMBO GROUP LTD
Enforcement Notice dated 12th November 2024**

I write in connection with the above Enforcement Notice regarding the mechanical plant, storage containers, louvre screen and extension of louvre screening on the Islip Street elevation of the appeal site.

The EN requires the complete removal of the mechanical plant, storage containers, louvre screen and extension of louvre screening on the Islip Street elevation.

The Council's case is primarily set out in the delegated enforcement officer's refusal report for application 2024/2456/P, which has already been sent with the questionnaire. It is to be relied on as the principal statement of the case. Copies of the relevant Camden Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, the Council would be grateful if the Inspector would consider the contents of this letter 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.

1. Summary

The site comprises a 3-storey, Public House of mid 19c provenance located on the east side of Kentish Town Road. The building occupies an end-of-terrace corner site, fronting Kentish Town Road with return elevation onto Islip Road, a predominantly residential road. The Bartholomew Estate Conservation Area lies to the south-east of the site.

The building is a non-designated heritage asset in accordance with the Local List (adopted 21 January 2015) of significance, due to its Architectural, Townscape and Social value, and continues to serve its original function as a public house.

The breach of planning control relates to several instances of development on the flat roof on the Islip Street elevation. Namely, the installation of an extract flue, timber screening, and storage buildings have all occurred without the benefit of planning permission.

2. Status of policies and guidance

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy C4 Public Houses

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy A4 Noise and Vibration

Policy CC1 Climate Change Mitigation

Policy CC2 Adapting to Climate Change

Policy TC2 Camden's Centres and other Shopping Areas

Policy TC4 Town Centre Uses

Kentish Town Neighbourhood Plan 2016

Policy D3: Design Principles

Policy D4: Non-designated heritage asset

Policy CC1: Pre-application Consultation

There are no material differences between the NPPF and London Plan in relation to this appeal. The Council's Local Plan policies are being updated and it is not envisaged that there would be any material differences in relation to this appeal.

3. Comments on appellant's grounds of appeal:

The Enforcement Notice was appealed under grounds A, F and G. The grounds of appeal are summarised and addressed below under these headings.

Section (a) That planning permission should be granted for what is alleged in the notice.

PINS have already made clear that ground A cannot proceed because the scheme has already been applied for and refused (application 2024/2456/P). Therefore only grounds F and G can proceed.

Section (f) – The steps required by the notice, exceed what is necessary to remedy the breach of planning control.

The Appellant

It is held that that development comprising the installation of an externally sited mechanical plant installation together with surround screening is acceptable in principle and that should

the Appeal under Ground a) fail, an acceptable solution can be achieved by addressing the design and amount of the screening rather than by removal of the mechanical plant in its entirety.

The Council

This appeal is not valid under Ground a), as the development has already been refused through 2024/2456/P.

The Appellant

The implications of removal would be far reaching from the perspective of site viability, loss of employment and economic sustainability, when a more considered approach arrived at through informed consultation between the Appellant and Council Officers could arrive at a more pragmatic, realistic and common-sense negotiated solution that would address the Council's concerns.

The Council

The Council did initially attempt some informal negotiation with the appellant seeking to address the harm caused to the host building. Moreover, the appellant had an opportunity to amend the retrospective planning application to address this harm. However the appellant was never agreeable to removing any elements of the development, namely, the timber screening, extraction flue, and outbuildings in the flat roof area. This was apparent during initial negotiation, and made clearer still by the fact that the appellant did not alter their retrospective planning application to remedy the harm identified by several Council officers.

The Council acknowledges the appellant's concerns regarding economic impact and viability, but maintains that these do not justify the harm caused by the development. Accordingly, they do not demonstrate that the steps required by the notice are excessive in remedying the breach of planning control.

The Appellant

It may be reasonably anticipated that modification to eg the screening, or substitution with alternative means of enclosure or redesign of the chimney element may achieve a satisfactory conclusion... The appellant consequently seeks the steps for compliance set out in the Enforcement Notice be quashed/changed/modified so as to require each party to enter into constructive Pre-Application dialogue. This can be time specific, but place onus on the Council to provide constructive response to one (or more) schemes to be submitted to them in advance of a formal planning application.

The Council

The Council maintains that, as the party responsible for the breach of planning control, the onus is on the appellant to remedy the harm caused rather than shift responsibility onto the Council to provide detailed feedback on potential revisions. The appellant had the opportunity to explore modifications during the consideration of planning application 2024/2456/P but did chose not to. Moreover, it is open to the appellant to submit a revised scheme and any prompt action may result in obtaining planning permission before the appeal decision is issued.

In the absence of any acceptable alternative proposal, the Council cannot justify requiring lesser steps than those set out in the enforcement notice to address the harm.

Section (g) The period specified in the notice falls short of what should reasonably be allowed.

The Appellant

Should the Appeal under Ground a) fail, time is needed to enter into Pre-Application Discussions with the Council as set out above (Ground f), subject to which a Planning Application will then need to be submitted and any resulting permission implemented.

It is considered that the Pre-App and formal application process could be finalised within 6 months on the basis that both parties should now be familiar with the implications of development and will have empathy for what is required. The appellant would be in a position, to commence implementation within 14 days of a formal planning decision notice being issued. The implementation period could perhaps be incorporated into any extended compliance period the Inspector may see fit to impose.

The Council

The Council notes that the appeal is not valid under Ground (a) but acknowledges the appellant's intention to engage in the pre-application process. However, as no acceptable scheme has been proposed to date, the mere possibility of a future submission cannot justify extending the compliance period. The onus remains on the appellant to bring forward a suitable proposal, and they are free to do so at any time, whether through a pre-application request or a full planning application, if they wish to address their operational concerns more swiftly than the compliance period would allow. No pre-application request has been submitted by the appellant to date.

Extending the compliance period to allow time for an alternative proposal assumes that an acceptable solution will be submitted, which is not guaranteed, and places undue time pressure on the Council to determine a subsequent application, when the onus should be on the appellant to remedy that they have breached the planning regulations.

Without prejudice to the above, the Council would also like to point out that the appellant has not mentioned the storage containers under grounds f and g, and can see no operational reason why these, along with the timber screening, cannot be removed within the original compliance period.

I remain at your disposal to answer any questions regarding the above.

Yours sincerely

Miles Peterson
Planning Enforcement Officer
Supporting Communities Directorate