

The Planning Inspectorate

Questionnaire - 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 Ref: APP/X5210/C/14/3000406

Appeal by: MR MOHAMMED ALAYAN (M D TRADING LTD)

Site address: 56-58 FORTUNE GREEN ROAD

LONDON

NW6 1DT

GRID REFERENCE:

EASTING: 05251654

NORTHING: 01854550

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

1.b. Do you wish to be heard by an Inspector at;

a local inquiry?

a hearing?

1.c. How long do you expect an inquiry would last?

1.d. How many witnesses do you intend to call?

1.e. What are the preferred inquiry/hearing dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible.)

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

Please explain:

The site needs to be entered as the appeal is for the unauthorised use of the unit as a sandwich bar/café with an external shisha lounge and erection of a extending retractable canopy, shisha enclosure, handrail and wooden balustrade.

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

Please state where:

3. Are there any related appeals currently before the Secretary of State, e.g. Yes No

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)

Please provide our reference numbers:

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?

Appeal is for Ground (G)

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

Conservation area:

Designated:

Plan of the conservation area:

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

If YES, please state the area of the site shown in the notice plan, in hectares.

0.01

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

If YES, please state the area, in hectares.

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

If YES, please state the amount of gross floor space created, in square metres.

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

Site area:

Area of alleged breach:

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

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

If YES, please send a copy to the Inspectorate

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

A copy of the permission and any documents necessary for its interpretation:

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

12.a. the date of the relevant application

12.b. the date of the Council's decision (if any)

12.c. a copy of the decision (if any)

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

12.d. the reference number

13. Has a planning contravention notice been served? Yes No

A copy of the PCN and the reply:

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes No

If YES, please state which one.

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes No

If YES, please provide a copy of the consent form.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes No

If YES, please provide a copy of the stop notice.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.d. the appeal site is in or adjacent to or likely to affect a SSSI or SPA? Yes No

If YES, please attach comments of Natural England.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.e. any protected species are likely to be affected by the alleged development? Yes No

If YES, please send the comments of Natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.f. the appeal site is in a Green Belt or AONB? Yes No

If YES, please state which one (name).

14.g. any part of the site is subject to a Tree Preservation Order? Yes No

If YES, please enclose a plan showing the extent of the Order and any relevant details.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.h. the appeal site is within 400m of an area of underground or surface mineral interest? Yes No

If YES, please enclose a plan showing the extent of the Order and any relevant details.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

14.i. the appeal site is within 250m of a waste landfill site? Yes No

14.j. does the development affect the setting of a listed building or ancient monument? Yes No

14.k. has importation of waste materials been involved in the development? Yes No

14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? Yes No

15. Please provide a plan of any public rights of way affected by the site.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

If YES, please send relevant Article 4 Direction.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

If YES, please send relevant permission.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

If YES, please state which schedule and section.

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

You can choose to enter this information directly on this form, or to send it to us in a separate document. Please indicate your preference below.

- the box below
- separate attachments

Please select from the options below:

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

Under which description of development? i.e. Nos 1-23.

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

Under which description of development in Column 1? i.e. Nos 1-13

20.b.ii. Is the applicable threshold/criteria in Column 2 exceeded/met? Yes No

20.c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

You can choose to enter this information directly on this form, or to send it to us in a separate document. Please indicate your preference below.

- the box below
- separate attachments

Please enter your text here:

Please select from the options below:

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

20.d.i. - Have you adopted a screening opinion (SO) under regulation 32(1)? Yes No

20.d.ii. If YES, please enclose a copy of the Screening Opinion (SO) that was placed on the planning register, and any other related correspondence.

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

20.d.iii. - If YES, did the SO state that the development is unauthorised EIA development as defined by the EIA Regulations? Yes No

20.d.iv. Was a regulation 32 notice served with copies of the enforcement notice? Yes No

If you decided that the development is not unauthorised EIA development as defined by the EIA Regulations, please attach brief reasons for your opinion.

My reasons are set out in:

- the box below
- separate attachments

Please enter your text here

Development is unauthorised

Please select from the options below

- To follow
- see 'Questionnaire Documents' section (attached)
- see 'Questionnaire Documents' section (already attached)

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

If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- To follow
- see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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

Yes No

Please select from the options below:

To follow

see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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

Yes No

Please select from the options below:

To follow

see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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

16/01/2015

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.

Yes No

List of policies

CS5,7,16,17,18 and DP12,26,28,29,30

Please select from the options below:

To follow

see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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

Yes No

List of policies

Please select from the options below:

To follow

see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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.

Yes No

List of supplementary planning guidance

Please select from the options below:

To follow

see 'Questionnaire Documents' section (attached)

see 'Questionnaire Documents' section (already attached)

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. Yes No

List of supplementary planning documents

CPG1 chapter7,8 and CPG5 chapter 6

Please select from the options below:

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

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; Yes No

Date the DPD/Neighbourhood Plan is likely to be adopted:

Please select from the options below:

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

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; Yes No

Please select from the options below:

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

22.g. your Authority's CIL charging schedule is being/has been examined; Yes No

Please provide the date the CIL is likely to be adopted:

22.h. your Authority's CIL charging schedule has been/is likely to be adopted. Yes No

Please provide the date of adoption:

22.i. any other relevant information or correspondence you consider we should know about. Yes No

Please select from the options below:

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

Other relevant information

23. A true copy of the Enforcement Notice

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

24. The Enforcement Notice Plan

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

25. A list of those served with the Notice

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

26. Do you wish to attach your statement of case?

Yes No

Please select from the options below:

- To follow
 see 'Questionnaire Documents' section (attached)
 see 'Questionnaire Documents' section (already attached)

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 (inc. dialling code)

Email

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

Questionnaire Documents

Appeal Ref: APP/X5210/C/14/3000406

Appeal by: MR MOHAMMED ALAYAN (M D TRADING LTD)

Site address: 56-58 FORTUNE GREEN ROAD

LONDON

NW6 1DT

GRID REFERENCE:

EASTING: 05251654

NORTHING: 01854550

The documents listed below were uploaded with this questionnaire form:

File Description: PLANNING APPLICATION DECISION NOTICE

File Name: Decision notice 2014.2409.P.pdf

File Description: APPEAL NOTIFICATION LETTER

File Name: Appeal Notification letter.pdf

File Description: LIST OF PEOPLE NOTIFIED OF APPEAL

File Name: appeal correspondence list.pdf

File Description: POLICY part 1

File Name: CS Combine.pdf

File Description: POLICY part 2

File Name: DP Combine .pdf

File Description: CPG

File Name: CPG combine .pdf

File Description: ENFORCEMENT NOTICE

File Name: Re served Enforcement Notice with addresses - note new date.pdf

File Description: Plan and officer report 1

File Name: 56-58 Fortune Green Road Refuse and Enforce report.pdf

File Description: plan and officer report 2

File Name: 56-58 Fortune Green Road ENF addendum report.pdf

File Description: LIST OF THOSE SERVED

File Name: appeal correspondence list.pdf

The documents listed below were already attached elsewhere with this questionnaire form:

The documents listed below are to follow by post:

26. Statement of case.

Completed by _____

Date

17/12/2014 11:57:04

LPA

London Borough of Camden

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US.