
Appeal Decision

Site visit made on 2 December 2014

by D Whipps LLB Solicitor LARTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2015

Appeal ref: APP/X5210/C/14/2211613

Land at 102 Parkway, London, NW1 7AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Camden.
- The appeal is made by Mr M Moradov (Olympyx Ltd).
- The notice was issued on 28 November 2013.
- The breach of planning control as alleged in the notice is without planning permission change of use of basement, first and second floors to sleeping accommodation which is occupied by the same person/people for periods of less than 90 days.
- The requirements of the notice are to permanently cease the use of the basement, first and second floor of the property as sleeping accommodation which is occupied by the same person/people for periods of less than 90 days (short-term lets).
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary matters

1. The appellant does not indicate on the Enforcement Notice Appeal form that he wishes to appeal under ground (g). However it is clear from his representations that he does seek a longer period to comply with the requirements of the enforcement notice in the event of it being upheld. In addition, the Borough Council respond to this request in their representations. I shall, therefore, if necessary, consider in addition to the appeal under ground (a), an appeal under ground (g).

The appeal on ground (a) and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the supply of permanent, residential accommodation within the London Borough of Camden.

Loss of Accommodation

3. 102 Parkway is a 4-storey building (basement and 3 floors above). The property is within the defined Town Centre for Camden. There is a retail unit at ground floor level. The other accommodation was used as apartments but this use has now been replaced with 3 units of temporary accommodation (90 days

- or less). It is this loss of permanent residential accommodation to which the Borough Council take objection.
4. The Borough Council, through Policy CS6 of its Core Strategy 2010 – 2025 seeks to make full use of Camden’s capacity for housing by, in part, minimising the loss of existing permanent housing. In addition, this policy also provides that housing is to be regarded as the priority land use within its Local Development Framework.
 5. The aims of this policy are furthered in Policy DP2 of the Borough Council’s Development Policies 2010 – 2025. This policy specifically provides that one way in which the Council will seek to minimise the loss of permanent housing is by protecting permanent housing from conversion to short stay accommodation intended for occupation for purposes of less than 90 days. Whilst this policy does recognise that exceptions may be appropriate in certain circumstances, it is not suggested that the use of any part of 102 Parkway for short term accommodation meets any of the identified exceptions.
 6. I also recognise that Policy CS6 refers to “minimising” the loss of permanent housing and Policy DP2 says the Council “will seek” to minimise the loss of permanent housing. These policies do not, therefore, totally rule out in absolute terms a change of use to temporary accommodation. This is not surprising as policies are rarely prescriptive. However, the aims and objectives of both policies are clear, they seek to retain existing permanent housing, and, therefore the use of 102 Parkway for short term lettings is contrary to both of these policies.
 7. At the same time, Policy DP14 of the Development Policies document provides that the Borough Council will support tourism development including visitor accommodation by allowing small scale visitor accommodation in specified Town Centres including Camden Town. Whilst such provision is subject to meeting criteria within the policy, it has not been suggested that these criteria are not met. The provision of temporary accommodation at 102 Parkway is small scale and would, therefore, accord with Policy DP14.
 8. However, as mentioned, Policy CS6 makes housing the priority land use of Camden’s Local Development Framework and the supporting text to policy DP14 at paragraph 14.3 clearly provides that the provision of visitor accommodation should not lead to the loss of permanent residential accommodation. In addition, the supporting text to Policy DP2 at paragraph 2.20 also provides that new demands for visitor accommodation should be met from appropriate sites in non-residential use, rather than sites used for permanent housing.
 9. There is no doubt, therefore, that priority should be given to minimising the loss of permanent housing over the provision of visitor accommodation. Compliance with Policy DP14 does not make the development acceptable. It does not override the breaches of Policies CS6 and DP2, both of which seek to maximise the supply of permanent housing in the Borough.
 10. I recognise that, if the existing use was allowed to continue, there would be certain benefits. There would be additional visitor accommodation for which there is also a demand or need. It would result in additional employment and, hence, some economic benefits. It may also add variety to the type of visitor

accommodation available within Camden and surrounding area. The use would not appear to adversely affect any existing residents. However, I do not consider that these matters, or any matters raised in support of this appeal, outweigh the harm which arises from the loss of permanent residential accommodation.

Conclusion

11. For the reasons given above I conclude the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal under ground (g)

12. The appellant says that additional time is required to take account of advance bookings. However, no evidence whatsoever has been produced to support this request. There are, for example, no letters or emails confirming any advance bookings. The appellant will have 2 months from the date of my decision, and in the absence of any evidence to justify a longer period, I consider the period of 2 months to be reasonable. The appeal under ground (g) therefore fails.

Formal decision

13. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under S177(5) of the 1990 act as amended.

D Whipps

INSPECTOR