

For official use only (date received): 14/10/2015 12:42:31

## The Planning Inspectorate

### ENFORCEMENT NOTICE APPEAL FORM (Online Version)

**WARNING:** The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

**Appeal Reference: APP/X5210/C/15/3136490**

#### A. APPELLANT DETAILS

Name	Mr Jeremy San
Address	22 Frognal Way LONDON NW3 6XE
Phone number	
Email	
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes ☐ No ☒

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Miss Anjana Ghosh
Company/Group Name	Brecher Solicitors
Address	Brecher 64 North Row LONDON London W1K 7DA
Phone number	02075631044
Email	aghosh@brecher.co.uk
Your reference	I71-1/AG
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	London Borough of Camden
LPA reference number (if applicable)	EN15/0457
Date of issue of enforcement notice	14/09/2015
Effective date of enforcement notice	26/10/2015

### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address  
22 Frognal Way  
LONDON  
NW3 6XE

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

What is your/the appellant's interest in the land/building?

Owner ☒

Tenant ☐

Mortgagee ☐

None of the above ☐

### E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☒

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

The facts are set out in

☒ the box below

GROUND A) The appeal on this Ground is made without prejudice to the arguments under Ground C below. Planning Permission should be granted for a temporary period to enable the approved temporary roof to remain in place for a further period to cover at least the determination (and any appeal) in relation to the current planning application for re-development submitted to the Council on 20th June 2015 (2015/3530/P). The current application seeks full planning permission for the "demolition of existing dwelling house at 22 Frognal Way and redevelopment to provide a single detached family dwelling house and all other necessary works". Documents submitted with the application confirm that if the application is refused the Owner's current intention would be to complete the alterations to the existing house pursuant to planning permission 2009/3168/P granted in 2009 "the 2009 Permission", and which works were halted by a previous owner in around 2011. A planning officer of the Council at a meeting on site with the planning consultant representative of the owner on 14th May 2015, indicated that the service of an enforcement notice was contemplated, but that the grant of permission for redevelopment pursuant to the current application, formerly the subject of pre-application meetings, would remove the need for or justification for the Enforcement Notice. An enforcement notice was issued by the Council on 20 May 2015 but was withdrawn by the Council on 14 September 2015 following comments from The Planning Inspectorate (APP/X5210/C/15/3128742). Therefore permission should be granted on a temporary basis whilst the application and any related

application or appeal are determined. A period of at least two years is appropriate. It is not accepted that there is any harm to amenity at present; the site is secure, the building is weatherproof, and the Council acknowledge that there is full compliance with the Section 215 Notice dated 10 December 2012. However, if it is determined that there are any legitimate concerns of this nature relating to amenity these may be addressed by appropriate conditions. Overall, it was not expedient or proportionate to issue the Enforcement Notice; the owner and his professional planning team were in regular correspondence and dialogue with planning officers, who acknowledged full compliance with the Section 215 Notice (the circumstances for which arose during the ownership of a previous owner). The planning application for redevelopment and use as a family home by the owner has been submitted following extensive consultation and is awaiting determination as stated above, and officers acknowledged that permission for this development would remove the need for an Enforcement Notice.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. ☐

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). ☒

The facts are set out in

☒ the box below

GROUND C) The removal of parts of the roof as identified in the Enforcement Notice do not constitute a breach of planning control; the works formed part of the lawful implementation of the 2009 Permission. Structural engineers engaged by the previous owner of the house confirm that the sections of the old roof were removed in order to replace the old roof beams with new steel beams to support new / re-used timber joists, to support the new approved sedum "green" roof. Council officers in considering and granting a further permission in 2011 in relation to replacement brickwork at the house acknowledged that the 2009 Permission had been lawfully implemented, including by the carrying out of excavation works at the rear of the property. It is acknowledged that there has been a hiatus in completing the works of major alteration to the house, which commenced during the period of ownership of the previous owner, and which led to the issue by the Council of a Section 215 notice requiring a temporary roof, and which was installed by the previous owner and approved by the Council as having complied with the terms of the Notice, and which is the subject now of the Enforcement Notice.

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ☐

(e) The notice was not properly served on everyone with an interest in the land. ☐

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. ☒

The facts are set out in

☒ the box below

GROUND F) The appeal on this ground is made without prejudice to the arguments under Grounds A and C above.

The steps required to be taken are excessive; the officer of the Council has acknowledged that the 2009 Permission has been implemented, therefore the appropriate remedy is the completion of the approved scheme within a suitable period (see below). It is not appropriate, nor lawful, to require restoration of the original building. The point made under Ground A that it is not expedient or proportionate to issue the Enforcement Notice is repeated and relied upon in relation to this Ground of Appeal, F.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☒

The facts are set out in

☒ the box below

GROUND G) The period for compliance is too short at four months, it is not sufficient time to engage professionals and to complete the approved works. Further, as the Council officer has acknowledged

that permission for the current application for redevelopment would remove the need for or justification for enforcement, a period to allow this application to be determined should be provided. A period of at least two years is appropriate.

#### F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☐

2. Hearing ☒

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

☒ the box below

The Enforcement Notice, and the history of the site and previous planning decisions raise complex issues as to the status of the building and of the development. These include the implementation of the 2009 Permission for major alterations to the building, the Council's acknowledgement of this, contrasted with its requirement to revert to the original building, the necessity of various works and their status, and the appropriateness of next steps, if any, as a result of this Enforcement Notice, and their timing. All of these issues are only capable of being examined effectively if an Inspector through asking appropriate questions of the people with the background and detailed knowledge of the site and the building, both on behalf of the Council and of the owner.

Is there any further information relevant to the hearing which you need to tell us about?

Yes

☐ No

☒

3. Inquiry ☐

#### G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?

Yes

☐ No

☒

2. Are there any planning reasons why a fee should not be paid for this appeal?

Yes

☒ No

☐

☒ the box below

Works solely comprise operations for the alteration or extension of an existing dwelling and are thus exempt from the need to pay a fee, as per Q2 on page 25 of "Making Your Appeal".

#### H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No

☒

#### I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ [see 'Appeal Documents' section](#)

02. Plan:

☒ [see 'Appeal Documents' section](#)

#### J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

<b>Signature</b>	Miss Anjana Ghosh
<b>Date</b>	14/10/2015 12:42:53
<b>Name</b>	Miss Anjana Ghosh
<b>On behalf of</b>	Mr Jeremy San

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

#### K. NOW SEND

##### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

#### L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to

**appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 326, Bristol, BS99 7XF.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number.

#### The documents listed below were uploaded with this form:

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 01. The Enforcement Notice.  
**File name:** Enforcement Notice dated 14.09.15\_1466549\_1.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 02. The Plan.  
**File name:** Plan attached to Enforcement Notice dated 14.09.15\_1466554\_1.pdf

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

**Completed by** MISS ANJANA GHOSH

**Date** 14/10/2015 12:42:53