

[REDACTED]  
[REDACTED] 020 7 488 225

28<sup>th</sup> July 2010

Mr Charles Thuaire  
Development Control Planning Services  
London Borough of Camden  
Town Hall, Argyle Street  
London WC1H 8ND

By email to: env.devcon@camden.gov.uk

Dear Mr Thuaire

Re: Planning Application 2010/2845/P - Fairground Site (the "Site"), Vale of Health,  
London NW3 1AU

Further to recent notice of the above application I am writing on behalf of myself and Mrs Emma-Louise Temple to register our strong objections to this application.

The Site has a long history of development attempts: in particular a 1998 planning application for a block of 15 apartments was comprehensively rejected on appeal by the Planning Inspectorate (Application no: PW9702255), while substantive informal discussions with residents and with Camden about a substantially different proposal in 2003 by the Metropolitan Development Consultancy Ltd (acting, we believe, in association with the owners) failed to produce a Planning Application when the strength of local opposition was appreciated. For these reasons the site is clearly one of the most sensitive in Camden.

Our objections to this application are summarised as follows:

- 1) For Camden to recognise a change of use from the current use as a Showman's Site (which dates back over 100 years)<sup>1</sup> would be inconsistent with its status as MOL, and could make it more difficult for Camden to resist future applications for residential development on the Site.
- 2) Contrary to paragraphs 9-12 of the Statement in Support of the Application ("the Statement") a significant part of the site was in occasional use as a fairground (notably at the time of the main Hampstead Heath fairs) until at least 2002 and even to this day there are occasional fairground stalls and attractions on the Site at the time of the Easter Fair on the upper fairground site. Fairground vehicles have continued to be

---

<sup>1</sup> The Inspector's letter of 7 May 1998 refusing the appeal referred to above states (at paragraph 10): "I share the Council's view that the lawful use is probably as winter quarters, as described in Circular 22/91 on travelling showpeople. This is a "sui generis" use which does not fall within any particular Use Class defined in the Town and Country Planning (Use Classes) Order 1987."

parked on the site at substantially all times from 2002 up to and including the present day.

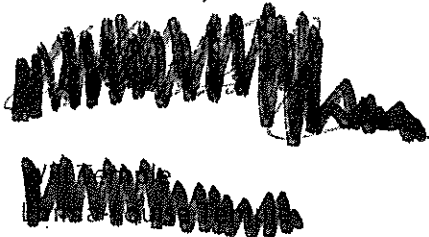
- 3) While the caravans along the North edge of the site (i.e. numbered C10-C13 on the Site Plan) may have been in residential occupation (wholly or mainly by members of the Abbott family) continuously since 1990, this is not the case for the remaining caravans on the site: the level of occupation was significantly less prior to 2003, with a clear change in policy in that year after the Metropolitan Development Consultancy discussions (see above) came to nothing.
- 4) It is not the case that “residential use not associated with the travelling fairground industry in any way ... has been the dominant and sole continuously active use for the past 10 years”:
  - (a) A letter from Mr Shutler of Metropolitan Development Consultancy (see above) to Vale residents dated 1 August 2003 (Attachment A) states that “It is a fact that the land is owned by the Abbott family and that its use is in connection with Showground people).
  - (b) Enquiries from Vale residents in 2004 about the lawfulness of letting creating a *de facto* commercial caravan site produced the response that “everyone living on the fairground (is) either family or employed to work on repairing fairground equipment and therefore entitled to live on the site”.
  - (c) Other than members of the Abbott family, there is no overlap between the signatories of the 6 November 2003 letter (Attachment B) from the then residents of the site to residents of the Vale and the providers of the 10 Statutory Declarations associated with this application, despite the fact that four of the declarers (Amy Barwick, Henrik Clarke, Robert Dark, and Peter Whitehead) claim to have been resident on the site at that date.
  - (d) The submitted Site Plan shows a pedestrian entrance in the North-West corner of the site, where there is in fact a solid brick wall; the Plan also shows one caravan (C01) which does not appear to exist. More importantly, the Plan correctly shows four of the caravans as “based at the site during the winter months only”; we suggest that this seasonal pattern is more consistent with showman-related use than with commercial letting.
- 5) We do not accept that the site should be a single planning unit (paragraph 11 of the Statement): there is a clear distinction between the strip along the northern edge of the site, which we accept has been in continuous residential use for more than 10 years, and the remainder of the site, where this is not the case. Should Camden, despite the objections set out in this letter, be minded to consider providing a Certificate of Lawfulness, this should be in respect only of this strip along the northern edge.
- 6) Should Camden, despite the objections set out in this letter, be minded even to consider granting a Certificate of Lawfulness in respect of any part of the site, it is essential that

their powers under Section 5(1) of the Caravan Sites and Control of Development Act 1960 be exercised in respect of any subsequent application for a Site Licence to maximum effect in order, *inter alia*, to:

- (a) provide the fullest possible protection for the site's critical status as MOL, and its highly sensitive position on the edge of the Heath;
- (b) ensure that adequate parking facilities are provided on the site for all its residents: there is already a severe shortage of parking spaces on the East side of the Vale and even a minimal overflow from the Fairground would aggravate an already serious situation for many Vale residents;
- (c) ensure there is no adverse impact from the site on other residents of the Vale in respect of noise, smells, light pollution, etc.

For all the above reasons we urge Camden to reject out of hand the application for a Certificate of Lawfulness on this site.

Yours sincerely



Handwritten text, possibly a signature or a name, located in the lower right quadrant of the page. The text is faint and difficult to decipher.