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09 May 2016

The Planning Inspectorate  
CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Dear Sir / Madam

**CAMDEN: 122 DRUMMOND STREET LONDON NW1 2HN- EN16/0216**

This letter supports an appeal against service of an enforcement notice at the above address alleging unauthorised change of use of the basement from retail storage to a self-contained studio flat.

The steps required are: Cease the use of the basement as a flat; remove all the fixtures and fittings relating to the residential use including bathroom and kitchen fittings; make good any damage to the building as a result of the works. The period for compliance is 3 months.

The EN was served on 31 March 2016. It is appealed on grounds f and g.

It is requested that the appeal be considered using the written representations procedure. An accompanied site inspection will be needed.

**Ground F**

The EN identifies the impugned activity as an unlawful change of use from retail storage to residential and so accepts that the last lawful use was in the A1 Use Class (the small basement was previously used as storage for the ground floor butcher's shop and so - to resolve ambiguities in the EN - there is no question of a B8 use being involved; or that its only use can be ancillary to the ground floor unit that is now in separate occupation - no consent is required to subdivide retail units). It requires residential use to cease and all fixtures and fittings to be removed and made good.

This immediately raises the two issues of whether all the identified facilities have to be removed to prevent residential use; and whether any of the identified facilities would assist a return to its lawful use.

The starting point is the definition of a dwellinghouse in *Gravesham BC v. SSE* [1984] P&CR 142. It must be a building that ordinarily affords all the facilities required for day-to-day existence.

It is not necessary to remove all the facilities identified in the EN for the basement to fall outside this definition of a dwelling. All that is needed is that the built-in retractable bed should be removed. It would not then have all the facilities required for day to day existence.

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The small size of the unit and its basement location means it will struggle to find a use as a separate retail unit. It would maximise its chances if the existing very small bathroom and kitchen were retained.

While the EN cannot require the lawful use to resume, the facilities are required if this small basement unit is to be given the best chance for A1 use.

Accordingly, the words 'including bathroom and kitchen fittings' are not needed to remedy the EN's allegation and stand in the way of the return to its lawful use that the EN requires. They should be deleted.

**Ground G**

In view of the shortage of builders in London at present, one year is a more reasonable time to be allowed to comply.

Yours faithfully

Mike Burroughs  
**Michael Burroughs Associates**