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18 July 2016

Dear Ms Traynor

Appeal Number APP/X5210/X/16/3148353

LB Camden Application Number 2015/5288/P

15 Gayton Crescent NW3 1TT

Mrs Wendy Galway-Cooper

You have asked us to comment on why we have requested a public inquiry to determine this appeal. As you will recall, this is an appeal against the refusal to grant a certificate of lawfulness which our client applied for on the grounds that first, the development of the rear south eastern corner extension at 15 Gayton Crescent complied with the original General Permitted Development Order 1995 and, secondly, development was begun before the amended General Permitted Development Order came into force on 1 October 2008.

On 27 February 2014 Mr Neil Quinn and Mr Gary Bakall measured the rear south eastern corner extension at 15 Gayton Crescent and together determined that its dimensions complied with the original General Permitted Development Order 1995. It was only the 4 storey rear stair tower extension, for which planning permission was granted on appeal, that was not compliant because its corner was too close to the boundary. The only live issue, therefore, is whether demolition was *commenced* (not completed) before 1 October 2008. We would draw your attention to the provisions of Section 56(1)(a) and 56(4) of the Town and Country Planning Act 1990, which expressly deals with this point, and attach a copy for your convenience.

In this case the key point is when demolition of the pre-existing single storey rear extension was begun. Please note that the Delegated Report wrongly refers to demolition of the pre-existing rear 2 storey WC extension. This is not relevant because planning permission for this has been granted. In passing we would explain that this is incorrectly described as a 'pre-existing staircase structure', however, it contained a WC and did not contain a staircase. In any event, the photographs, said by Dr Frances Swain to have been taken on about 16 October 2008, show that by that date the rear main wall of the house and a *vertical* section amounting to about half of the pre-existing rear 2 storey WC extension had been demolished.

It appears that Members and Officers of the Council have acceded to undue pressure and misleading representations from two neighbours. We consider it is important to be able to explore in cross-examination the evidence of Dr Frances Swain and Mr David Stone. In particular, Dr Frances Stone gave evidence before the public inquiry in terms of a proof which provided in meticulous detail her chronology of the commencement of works but failed to produce a copy, or even mention the existence, of a letter dated 15 September 2008 in which Dr Swain had written to the Council complaining about the demolition of the pre-existing *single* storey

rear extension. It appears that Mr Stone was fully aware of the existence of that letter but chose not produce a copy of it.

Prior to the public inquiry Mr Gary Bakall was asked about that letter dated 15 September 2008 from Dr Swain. We attach a copy of our client's email sent on 8 April 2014 to Mr Bakall and a letter dated 14 November 2014 sent by Savills to Mr Bakall, however, he failed to respond to that correspondence. In Mr Gary Bakall's proof at paragraphs 4.1 and 4.2, he provided details of the complaints received from neighbours, and in particular Enforcement File EN/08/0799, but chose not refer to Dr Swain's letter. Nor did Mr Bakall produce his own letter dated 14 October 2008 to Dr Swain in reply to her complaint about the demolition. You will note that Mr Bakall's letter dated 14 October 2008 is headed EN/08/0799. At paragraph 5.28 Mr Gary Bakall referred to the application for Building Control for the erection of a rear extension made on 30 September 2008, however, he did not mention that this application stated that building works had commenced on 15 September 2008.

Although our client has to prove her case on a balance of probability, the Council should not have ignored documentary evidence on this issue which is in their possession and which the Council have failed to disclose to our client. Evidence held by the Planning Department, Building Control Department and Council Tax Department is consistent with demolition having been begun on 15 September 2008. Our client has requested disclosure of this evidence and, at best, the Council have dragged their heels in providing this. Much evidence has not been disclosed at all. On 23 June 2015 the Building Control website showed that work was commenced on 15 September 2008, however, following an inquiry at the telephone by our client, this information was deleted. We attach copies of two computer screen shots, made on 23 June 2015 and 11 August 2015, showing this change.

In determining an application for a certificate of lawfulness the Council perform a quasi-judicial role. They must assess the evidence, make findings and apply the law fairly and in accordance with the rules of natural justice. This is quite different to a consideration of planning merit. In this case, our client submitted powerful evidence about the date when development was commenced. The Delegated Report of Mr Jonathan McClue shows that the evidence submitted by our client on 19 October 2015 does not appear to have considered at all. The correspondence with Mr Gary Bakall shows that he has closed his mind to that evidence. It will be necessary for the non-disclosure by the Council and the decision making process to be dealt with in cross-examination. It is in the public interest that this is done at an inquiry.

Finally, the Council are also a prosecuting authority and have a duty to prosecute cases fairly. In all the circumstances, it is wholly unfair and wrong to seek to prosecute our client in the Magistrates' Court for an alleged breach of the enforcement notice and we would invite you to agree that those proceedings will be withdrawn, failing which, we are instructed that my client will apply to have the proceedings stayed because to allow the prosecution to continue would be an abuse of the process of the court.

I hope this explains the position.

Yours sincerely



Ian Trehearne



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Meaning of development

56 Time when development begun.

- (1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—
 - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
 - (b) if the development consists of a change in use, at the time when the new use is instituted;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).
- (2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.
- (3) The provisions referred to in subsection (2) are sections 85(2), 86(6), 87(4), [F189] 91, 92 and 94.
- (4) In subsection (2) “material operation” means—
 - (a) any work of construction in the course of the erection of a building;
 - [F2(aa)] any work of demolition of a building;
 - (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
 - (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

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- (d) any operation in the course of laying out or constructing a road or part of a road;
 - (e) any change in the use of any land which constitutes material development.
- (5) In subsection (4)(e) “material development” means any development other than—
- (a) development for which planning permission is granted by a general development order [^{F3}or a local development order] for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;
 - [^{F4}(b) development of a class specified in paragraph 1 or 2 of Schedule 3;] and
 - (c) development of any class prescribed for the purposes of this subsection.
- (6) In subsection (5) “general development order” means a development order (within the meaning of section 59) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in England and Wales.

Annotations:

Amendments (Textual)

- F1** Word in s. 56(3) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(2)-(4), Sch. 7 para. 10(1) (with s. 84(5)); S.I. 1991/2067, art. 3 (subject to art. 4)
- F2** S. 56(4)(aa) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 10(2) (with s. 84(5)); S.I. 1992/1279, art. 2 (with art. 3)
- F3** Words in s. 56(5)(a) inserted (6.8.2004 for certain purposes, 10.5.2006 for E. and otherwise prosp.) by Planning and Compulsory Purchase Act 2004 (c. 5), ss. 40(2)(a), 121 (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2
- F4** S. 56(5)(b) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(2)-(4), Sch. 6 para. 10; S.I. 1991/2067, art. 3 (subject to art. 4)

Modifications etc. (not altering text)

- C1** S. 56 applied (with modifications) (3.11.1995) by S.I. 1995/2863, reg. 3, Sch.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- 271-274 applied (with modifications) by S.I. 2012/2679 Sch. 13 para. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2012/2167 art. 7
- Act applied (with modifications) by S.I. 2015/780 Sch. 11 para. 1
- Act applied in part (Isles of Scilly) (with modifications) by S.I. 2013/2148 art. 3 Sch. 1 (Words "83, 84," in 1990 c. 9, s. 92(2)(a) repealed (7.6.2006) by 2004 c. 5, Sch. 9; S.I. 2006/1281, art. 2(f)(iv))
- Act modified by S.I. 2010/626 art. 10
- Act modified by S.I. 2011/950 art. 22 Sch. para. 1(2) 2-6
- Act modified by S.I. 2016/54 art. 3(2)
- Act modified by S.I. 2016/56 Sch. 7 para. 1(2)
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 4
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 4 5 inserted by 2011 c. 20 s. 127(2)
- s. 2A(1A) inserted by 2011 c. 20 Sch. 22 para. 31
- s. 2A(1B) inserted by 2013 c. 27 Sch. 1 para. 2(1)
- s. 2A(1B) words inserted by 2016 c. 22 Sch. 12 para. 2
- s. 2A(6)(aa) and word substituted for words by 2016 c. 22 s. 149(1)
- s. 7A inserted by 2011 c. 20 Sch. 22 para. 32
- s. 9(1) s. 9 renumbered as s. 9(1) by 2015 anaw 4 s. 42(2)
- s. 9(2) inserted by 2015 anaw 4 s. 42(3)
- s. 58A and cross-heading inserted by 2016 c. 22 s. 150(1)
- s. 59(4) inserted by 2015 anaw 4 Sch. 7 para. 5
- s. 59A inserted by 2016 c. 22 s. 150(2)
- s. 60(1A) inserted by 2016 c. 22 s. 152(1)
- s. 60(2A)-(2C) inserted by 2013 c. 27 s. 4(1)
- s. 60(2B) words substituted by 2016 c. 22 s. 152(3)
- s. 61B(7A) inserted by 2013 c. 27 s. 5(4)
- s. 61E-61Q and cross-heading inserted by 2011 c. 20 Sch. 9 para. 2
- s. 61E(4)(b) words inserted by 2016 c. 22 s. 140(2)
- s. 61F applied by 2004 c. 5 s. 38C(2)(a) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61G(12)(13) inserted by 2016 c. 22 s. 139
- s. 61I(2)(3) applied by 2004 c. 5 s. 38C(2)(b) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61K applied by 2004 c. 5 s. 38B(6) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61M applied (with modifications) by 2004 c. 5 s. 38C(2)(c)(3) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61N applied (with modifications) by 2004 c. 5 s. 38C(2)(d)(4) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61N(1)(b) words inserted by 2015 c. 2 s. 92(1)(a)
- s. 61N(2) words inserted by 2016 c. 22 s. 141(3)
- s. 61N(2)(b) words inserted by 2015 c. 2 s. 92(1)(a)
- s. 61N(3)(b) words inserted by 2015 c. 2 s. 92(1)(b)(ii)
- s. 61N(3)(b) words substituted by 2015 c. 2 s. 92(1)(b)(i)
- s. 61O applied by 2004 c. 5 s. 38C(2)(e) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61P applied by 2004 c. 5 s. 38C(2)(f) (as inserted) by 2011 c. 20 Sch. 9 para. 7

- s. 61W-61Y and cross-heading inserted by 2011 c. 20 s. 122(1)
- s. 61W heading words inserted by 2016 c. 22 Sch. 12 para. 3
- s. 61W title words substituted by 2015 anaw 4 s. 17(4)
- s. 61W cross-heading words substituted by 2015 anaw 4 s. 17(5)
- s. 61W(1)(a) words inserted by 2016 c. 22 Sch. 12 para. 4
- s. 61X(1)(a)(b) words inserted by 2016 c. 22 Sch. 12 para. 5
- s. 61Y(1) words inserted by 2016 c. 22 Sch. 12 para. 6
- s. 61Z and cross-heading inserted by 2015 anaw 4 s. 17(2)
- s. 61DA-61DE inserted by 2015 c. 7 Sch. 4 para. 1
- s. 61Z1 61Z2 inserted by 2015 anaw 4 s. 18
- s. 62(2A) inserted by 2011 c. 20 Sch. 12 para. 5
- s. 62(2A) words inserted by 2015 c. 7 Sch. 4 para. 6
- s. 62(4A) inserted by 2013 c. 27 s. 6
- s. 62(4A) words omitted by 2015 anaw 4 s. 28
- s. 62(7)(8) inserted by 2011 c. 20 s. 122(2)
- s. 62(7) words inserted by 2016 c. 22 Sch. 12 para. 8(3)(a)
- s. 62(7)(a)(b) words inserted by 2016 c. 22 Sch. 12 para. 8(3)(b)
- s. 62(9)-(11) inserted by 2015 anaw 4 s. 17(3)
- s. 62A cross-heading inserted by 2015 anaw 4 Sch. 4 para. 4
- s. 62A-62C inserted by 2013 c. 27 s. 1(1)
- s. 62A(1)(a)(b) substituted by 2016 c. 22 s. 153(1)
- s. 62A(1A) inserted by 2016 c. 22 s. 153(2)
- s. 62A(2) substituted by 2016 c. 22 s. 153(3)
- s. 62A(3)(a)(i) words omitted by 2016 c. 22 s. 153(4)
- s. 62B(1A) inserted by 2016 c. 22 s. 153(5)
- s. 62D 62E and cross-heading inserted by 2015 anaw 4 s. 19
- s. 62F-62H inserted by 2015 anaw 4 s. 20
- s. 62I-62K inserted by 2015 anaw 4 s. 21
- s. 62L inserted by 2015 anaw 4 s. 22
- s. 62M-62O inserted by 2015 anaw 4 s. 23
- s. 62P 62Q and cross-heading inserted by 2015 anaw 4 s. 24
- s. 62R inserted by 2015 anaw 4 s. 25
- s. 62S inserted by 2015 anaw 4 s. 26(1)
- s. 62Y heading words inserted by 2016 c. 22 Sch. 12 para. 7
- s. 62ZA-62ZD and cross-heading inserted by 2015 anaw 4 s. 29(2)
- s. 65(3A) inserted by 2011 c. 20 Sch. 12 para. 6
- s. 65(3A) words inserted by 2015 c. 7 Sch. 4 para. 7
- s. 69(1)(aza) inserted by 2016 c. 22 Sch. 12 para. 10
- s. 69(1)(cza) inserted by 2015 c. 7 Sch. 4 para. 8(2)
- s. 69(1)(ca) inserted by 2011 c. 20 Sch. 12 para. 7(2)
- s. 69(2A) inserted by 2011 c. 20 Sch. 12 para. 7(4)
- s. 70(1A) inserted by 2016 c. 22 s. 150(3)(a)
- s. 70(2)(aa) inserted by 2015 anaw 4 s. 31(2)
- s. 70(2A) inserted by 2011 c. 20 s. 143(3)
- s. 70(2A) words substituted by 2016 c. 22 Sch. 12 para. 11(3)
- s. 70(2ZA) inserted by 2015 anaw 4 s. 31(3)
- s. 70(2ZZA)-(2ZZC) inserted by 2016 c. 22 s. 150(3)(b)
- s. 70(4) inserted by 2011 c. 20 s. 143(4)
- s. 70A(5)(aa) inserted by 2016 c. 22 Sch. 12 para. 12(2)
- s. 70A(9) inserted by 2016 c. 22 Sch. 12 para. 12(4)
- s. 70C inserted by 2011 c. 20 s. 123(2)
- s. 70C(1)(2) words inserted by 2016 c. 22 Sch. 12 para. 14
- s. 70C(1) words omitted by 2015 anaw 4 s. 32
- s. 71(2ZA) inserted by 2011 c. 20 Sch. 12 para. 8(2)
- s. 71(2ZA) words inserted by 2015 c. 7 Sch. 4 para. 9(2)
- s. 71(3A) inserted by 2011 c. 20 Sch. 12 para. 8(3)
- s. 71(3A) words inserted by 2015 c. 7 Sch. 4 para. 9(3)
- s. 71ZA inserted by 2015 anaw 4 s. 33(2)

- s. 71ZB inserted by 2015 anaw 4 s. 34
- s. 74(1BA)(1BB) inserted by 2016 c. 22 s. 149(3)
- s. 74(1ZA) inserted by 2011 c. 20 Sch. 12 para. 9
- s. 74(1ZA)(a) words inserted by 2015 c. 7 Sch. 4 para. 10(a)
- s. 74(1ZA)(b) words inserted by 2015 c. 7 Sch. 4 para. 10(b)
- s. 74A inserted by 2015 c. 7 s. 29
- s. 75A and cross-heading inserted by 2015 anaw 4 Sch. 4 para. 7
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 75ZB inserted by 2016 c. 22 s. 156
- s. 76C-76E inserted by 2013 c. 27 Sch. 1 para. 5
- s. 76C(2A)(2B) inserted by 2016 c. 22 Sch. 12 para. 18
- s. 76D(3) words inserted by 2016 c. 22 Sch. 12 para. 19
- s. 77(6A) inserted by S.I. 2014/2773 Sch. 1 para. 2
- s. 78(1)(aa) inserted by 2016 c. 22 Sch. 12 para. 21
- s. 78(4AA)(4AB) inserted by 2015 anaw 4 s. 45
- s. 78(4BA)(4BB) inserted by 2015 anaw 4 s. 47(1)
- s. 79(1A)(1B) inserted by 2015 anaw 4 s. 29(3)
- s. 79(3A) inserted by S.I. 2014/2773 Sch. 1 para. 4
- s. 79(6ZA) inserted by 2016 c. 22 Sch. 12 para. 23(3)
- s. 83(3A) inserted by 2015 anaw 4 s. 7(2)
- s. 87(5) inserted by 2015 anaw 4 Sch. 4 para. 8
- s. 88(11) inserted by 2015 anaw 4 Sch. 4 para. 9
- s. 90(2) (2ZA) substituted for s. 90(2) by 2013 c. 27 s. 21(2)
- s. 90(5) s. 90(6) (7) substituted for s. 90(5) by 2013 c. 27 s. 21(3)
- s. 91(1)(d) and word inserted by 2011 c. 20 Sch. 12 para. 14
- s. 91(3ZA)-(3ZD) inserted by 2015 anaw 4 s. 35(4)
- s. 91(5) inserted by 2015 anaw 4 s. 35(6)
- s. 92(2)(b)(c) substituted for s. 92(2)(b) by 2015 anaw 4 s. 36(2)
- s. 92(3A)-(3E) inserted by 2015 anaw 4 s. 36(4)
- s. 96A(5A) inserted by S.I. 2014/1770 art. 2(4)
- s. 96A(9)(10) inserted by S.I. 2014/1770 art. 2(6)
- s. 100A and cross-heading inserted by 2015 anaw 4 s. 37
- s. 102(2A) inserted by 2015 anaw 4 s. 33(4)
- s. 106C(1A) inserted by 2013 c. 27 Sch. 2 para. 6(3)
- s. 106C(1A) words inserted by 2015 c. 2 s. 92(2)(b)
- s. 106C(3) inserted by 2013 c. 27 Sch. 2 para. 6(5)
- s. 106C(3)(b) words inserted by 2015 c. 2 s. 92(2)(b)(ii)
- s. 106C(3)(b) words substituted by 2015 c. 2 s. 92(2)(b)(i)
- s. 106BA-106BC inserted by 2013 c. 27 s. 7(1)
- s. 106BA repealed by 2013 c. 27 s. 7(4)
- s. 106BB repealed by 2013 c. 27 s. 7(4)
- s. 106BB(1) words inserted by 2016 c. 22 Sch. 12 para. 27(2)
- s. 106BB(1)(a) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106BB(1)(b) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106BB(1)(c) word substituted by 2016 c. 22 Sch. 12 para. 27(1)
- s. 106BC repealed by 2013 c. 27 s. 7(4)
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 107(4A) inserted by 2016 c. 22 Sch. 12 para. 28(6)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(2B) inserted by 2016 c. 22 Sch. 12 para. 29(3)
- s. 108(3B)(c) inserted by 2011 c. 20 Sch. 12 para. 15(4)
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3E) inserted by 2011 c. 20 Sch. 12 para. 15(5)
- s. 108(3F) inserted by 2013 c. 24 Sch. 17 para. 3
- s. 108(3F) transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by S.I. 2013/2148 art. 5(4)(b)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)

- s. 153(4A) inserted by 2016 c. 22 s. 200(2)
- s. 164A inserted by 2015 anaw 4 s. 10(7)
- s. 165ZA inserted by 2011 c. 20 Sch. 22 para. 33
- s. 169(4A) inserted by 2011 c. 20 Sch. 22 para. 34
- s. 170(2A) inserted by 2015 anaw 4 s. 10(8)(b)
- s. 171A(2)(aa) inserted by 2015 anaw 4 s. 43(3)
- s. 171B(2A) inserted by 2013 c. 24 Sch. 17 para. 4
- s. 171B(2A) transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by S.I. 2013/2148 art. 5(4)(b)
- s. 171BA-171BC inserted by 2011 c. 20 s. 124(1)
- s. 172A inserted by 2011 c. 20 s. 125
- s. 173ZA inserted by 2015 anaw 4 s. 43(2)
- s. 174(2A)(2B) inserted by 2011 c. 20 s. 123(4)
- s. 174(2C) inserted by 2013 c. 24 Sch. 17 para. 5
- s. 174(2C) transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by S.I. 2013/2148 art. 5(4)(b)
- s. 174(2D)-(2F) inserted by 2015 anaw 4 s. 46
- s. 175(3B) inserted by S.I. 2014/2773 Sch. 1 para. 5
- s. 177(1C) inserted by 2011 c. 20 s. 123(5)
- s. 177(1C) word substituted by 2015 anaw 4 s. 44(2)
- s. 177(5)(a) and word substituted for words by 2015 anaw 4 s. 44(3)
- s. 188(1)(aa) inserted by 2015 anaw 4 s. 43(4)(a)
- s. 188(1)(za) inserted by 2011 c. 20 s. 124(2)(a)
- s. 188(4) inserted by 2011 c. 20 s. 124(2)(d)
- s. 191(3A) inserted by 2011 c. 20 s. 124(3)
- s. 195(1DA)(1DB) inserted by 2015 anaw 4 s. 47(2)
- s. 195(5A) inserted by S.I. 2014/2773 Sch. 1 para. 6
- s. 196(1B) inserted by S.I. 2014/2773 Sch. 1 para. 7(2)
- s. 196D and cross-heading inserted by 2013 c. 24 Sch. 17 para. 6
- s. 196D and cross-heading transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by S.I. 2013/2148 art. 5(4)(b)
- s. 208(5B) inserted by S.I. 2014/2773 Sch. 1 para. 8(2)
- s. 210(4A)-(4E) inserted by 2011 c. 20 s. 126(3)
- s. 217(2)(a)(b) inserted by 2015 anaw 4 s. 48(2)
- s. 217(7) inserted by 2015 anaw 4 s. 48(6)
- s. 224(7)-(11) inserted by 2011 c. 20 s. 126(4)
- s. 225-225E inserted by 2011 c. 20 s. 127(1)
- s. 233(3A) inserted by 2013 c. 27 s. 8(2)
- s. 233(9) inserted by 2013 c. 27 s. 8(3)
- s. 247(3A)(aa) inserted by 2015 c. 7 Sch. 1 para. 104(3)(a)
- s. 252(3A) inserted by S.I. 2016/53 reg. 16(2)
- s. 252(6B)-(6D) inserted by S.I. 2016/53 reg. 16(3)
- s. 253(1A) inserted by 2013 c. 27 s. 11(3)
- s. 253(2)(aa) inserted by 2015 anaw 4 Sch. 4 para. 13
- s. 257(1A) inserted by 2013 c. 27 s. 12(2)
- s. 257(1A) words omitted by 2015 anaw 4 s. 38(2)
- s. 257(4)(c) inserted by 2013 c. 27 s. 12(3)(b)
- s. 257(4)(c) words inserted by 2015 anaw 4 Sch. 4 para. 14(b)
- s. 259(1A) inserted by 2013 c. 27 s. 12(4)
- s. 259(1A) words substituted by 2015 anaw 4 s. 38(3)(a)
- s. 259(5) inserted by 2015 anaw 4 s. 38(3)(b)
- s. 264(5)(ca) inserted by 2011 c. 20 Sch. 12 para. 20(b)
- s. 264(5)(ca) words inserted by 2015 c. 7 Sch. 4 para. 18
- s. 265(3)(aa) inserted by S.I. 2013/755 Sch. 2 para. 203
- s. 266(1B) inserted by S.I. 2015/1794 art. 6
- s. 284(1)(g) and word inserted by 2015 c. 2 Sch. 16 para. 2(a)
- s. 284(3)(aa)-(ac) inserted by 2015 anaw 4 Sch. 4 para. 15(3)(c)
- s. 284(3)(ya) inserted by 2013 c. 27 Sch. 1 para. 9

- s. 284(3A) inserted by 2015 c. 2 Sch. 16 para. 2(b)
- s. 287(2A)(2B) inserted by 2015 c. 2 Sch. 16 para. 3(2)
- s. 287(3ZA) inserted by 2015 c. 2 Sch. 16 para. 3(3)
- s. 287(5A) inserted by 2015 c. 2 Sch. 16 para. 3(6)
- s. 288(1A) inserted by 2015 c. 2 Sch. 16 para. 4(2)
- s. 288(4A)-(4C) inserted by 2015 c. 2 Sch. 16 para. 4(5)
- s. 288(11) inserted by 2015 c. 2 Sch. 16 para. 4(10)
- s. 289(2A) inserted by 2015 anaw 4 s. 48(8)(a)
- s. 293A(9)(aa) inserted by 2015 anaw 4 Sch. 2 para. 9
- s. 303(1A) inserted by 2013 c. 27 Sch. 1 para. 10
- s. 303(1B)(1C) inserted by 2015 anaw 4 Sch. 4 para. 18
- s. 303(1ZA) inserted by 2015 c. 7 Sch. 4 para. 19(2)
- s. 303(8A) inserted by 2016 c. 22 s. 157
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1C) inserted by 2015 anaw 4 Sch. 2 para. 10(3)
- s. 306(2A)(2B) inserted by 2015 anaw 4 Sch. 2 para. 11
- s. 316(9) inserted by 2015 anaw 4 Sch. 4 para. 19(5)
- s. 319A(7)(ba) inserted by 2013 c. 27 Sch. 2 para. 7
- s. 319A(7)(za) inserted by 2013 c. 27 Sch. 1 para. 11
- s. 319B inserted by S.I. 2014/2773 art. 2(1)
- s. 319B(5A) inserted by 2015 anaw 4 Sch. 4 para. 20(2)
- s. 319B(7)(za)(zb) inserted by 2015 anaw 4 Sch. 4 para. 20(3)
- s. 319B(8A) inserted by 2015 anaw 4 Sch. 4 para. 20(4)
- s. 319B(11) omitted by 2015 anaw 4 Sch. 7 para. 7(5)
- s. 319ZA-319ZD and cross-heading inserted by 2015 anaw 4 s. 39(1)
- s. 320(3) inserted by 2013 c. 27 s. 2(1)
- s. 320(3) words substituted by 2015 anaw 4 Sch. 5 para. 12(4)
- s. 322(1B)-(1D) inserted by 2013 c. 27 s. 2(2)
- s. 322(1AA) inserted by S.I. 2014/2773 Sch. 1 para. 9
- s. 322(1AA) omitted by 2015 anaw 4 Sch. 5 para. 13(2)
- s. 322A(1B) inserted by S.I. 2014/2773 Sch. 1 para. 10
- s. 322A(1B) omitted by 2015 anaw 4 Sch. 5 para. 14(3)
- s. 322A(3)-(5) inserted by 2013 c. 27 s. 2(3)
- s. 322C applied by 1980 c. 66 Sch. 6 para. 2B(4) (as inserted) by 2015 anaw 4 Sch. 5 para. 3(c)
- s. 322C applied by 1980 c. 66 s. 121(5F) (as inserted) by 2015 anaw 4 Sch. 5 para. 2(4)
- s. 322C applied by 1981 c. 69 Sch. 15 para. 10A(4) (as inserted) by 2015 anaw 4 Sch. 5 para. 7(c)
- s. 322C inserted by 2015 anaw 4 s. 49
- s. 323(1B) inserted by S.I. 2014/2773 Sch. 1 para. 11(2)
- s. 323(1B) omitted by 2015 anaw 4 Sch. 5 para. 15(3)
- s. 323(4) inserted by 2013 c. 27 s. 2(5)
- s. 323A inserted by 2015 anaw 4 s. 50
- s. 324(1)(aa) inserted by 2011 c. 20 Sch. 12 para. 21(2)
- s. 324(1)(ba)(bb) inserted by 2015 anaw 4 Sch. 4 para. 21
- s. 324(1A) inserted by 2011 c. 20 Sch. 12 para. 21(3)
- s. 324(1B) inserted by 2015 anaw 4 Sch. 2 para. 12
- s. 324(1B) inserted by 2015 c. 7 Sch. 4 para. 21
- s. 333(3A) inserted by 2011 c. 20 Sch. 12 para. 22(3)
- s. 333(3B)-(3F) inserted by 2015 anaw 4 Sch. 7 para. 3
- s. 333(3ZA) inserted by 2016 c. 22 s. 150(4)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(4A) inserted by S.I. 2014/2773 Sch. 1 para. 12
- s. 333(4A)(4B) substituted for s. 333(4A) by 2015 anaw 4 Sch. 7 para. 6(3)
- s. 333(5B)(5C) inserted by 2015 anaw 4 Sch. 7 para. 6(5)
- s. 333(5ZA) inserted by 2013 c. 27 Sch. 2 para. 8(3)

- Sch. 1 para. 6A inserted by 2011 c. 20 Sch. 9 para. 4
- Sch. 1 para. 8A inserted by 2016 c. 22 s. 142
- Sch. 1A para. 8(2A)(2B) inserted by 2015 anaw 4 Sch. 4 para. 22
- Sch. 4A para. 1(2A) inserted by 2013 c. 27 s. 5(5)
- Sch. 4B applied (with modifications) by 2004 c. 5 s. 38A(3) 38C(5) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- Sch. 4B para. 16 functions made exercisable concurrently by S.I. 2013/2597 art. 2(a)
- Sch. 4B para. 16 functions transferred by S.I. 2015/1376 art. 3(1) Sch. 1
- Sch. 4B inserted by 2011 c. 20 s. 116(2) Sch. 10
- Sch. 4B para. 13A inserted by 2016 c. 22 s. 140(1)
- Sch. 4B para. 13B 13C and cross-heading inserted by 2016 c. 22 s. 141(1)
- Sch. 4B para. 14(1) words inserted by 2016 c. 22 s. 141(2)
- Sch. 4B para. 16(5) words inserted by S.I. 2013/2597 Sch. para. 5(b)
- Sch. 4B para. 16(1) words substituted by S.I. 2013/2597 Sch. para. 5(a)
- Sch. 4B para. 16(1) words substituted by S.I. 2015/1376 Sch. 2 para. 4
- Sch. 4B para. 16(5) words substituted by S.I. 2015/1376 Sch. 2 para. 4
- Sch. 4C inserted by 2011 c. 20 s. 116(3) Sch. 11
- Sch. 4D inserted by 2015 anaw 4 Sch. 3 para. 1
- Sch. 5 para. 4(6) inserted by S.I. 2013/755 Sch. 2 para. 204(4)
- Sch. 6 para. 6(4A) inserted by 2015 anaw 4 Sch. 5 para. 16(2)(b)
- Sch. 6 para. 2(11) inserted by 2013 c. 27 s. 2(7)
- Sch. 6 para. 1(2A) inserted by 2013 c. 27 Sch. 2 para. 9(2)(b)
- Sch. 6 para. 2(5A) inserted by S.I. 2014/2773 Sch. 1 para. 13(2)(a)
- Sch. 6 para. 2(10A) inserted by S.I. 2014/2773 Sch. 1 para. 13(2)(b)
- Sch. 6 para. 3(5ZA) inserted by S.I. 2014/2773 Sch. 1 para. 13(3)(a)
- Sch. 6 para. 3(5B) inserted by S.I. 2014/2773 Sch. 1 para. 13(3)(b)
- Sch. 6 para. 6(1B) inserted by S.I. 2014/2773 Sch. 1 para. 13(4)(a)
- Sch. 7 para. 8(6A) inserted by 2015 anaw 4 Sch. 5 para. 17(b)
- Sch. 8 para. 5(3ZA) inserted by 2015 anaw 4 Sch. 5 para. 18(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 1C inserted by 2015 anaw 4 s. 10(6)
- Sch. 13 para. 9A inserted by 2011 c. 20 Sch. 22 para. 37

Commencement Orders yet to be applied to the Town and Country Planning Act 1990

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2010/321 art. 2 commences (2004 c. 5)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)



Date: 14th October 2008
Contact: Gary Bakall
Our Ref: EN08/0779
Direct Line: 020 7974 5618

Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1975
Env.devcon@camden.gov.uk
www.camden.gov.uk/planning

**Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990.
Re: 15 Gayton Crescent, London NW3.**

Thank you for your letter dated 15th September regarding the creation of off street parking at the above property.

A planning enforcement officer visited the property last month and found that the removal of railings and the creation of off street parking are permitted development under the General Permitted Development Order however she was informed that the wall and railings will be reinstated next year when the property is refurbished.

The Council has no record of permission being given for the removal of a Holly tree; I will discuss the matter with the tree section of the Council.

Demolition of a rear extension does not require planning consent but the property does have ~~planning consent~~ for a new ground floor extension granted in August 2008 (Ref. No. 2008/3188/P).

If you wish to discuss this matter please do not hesitate to telephone me on the above number.

Yours sincerely

Gary Bakall
For the Director of the Environment

----- Forwarded message -----

From: **Wendy Galway-Cooper** <wendy.galwaycooper@gmail.com>

Date: Tue, Apr 8, 2014 at 1:20 PM

Subject: 15 Gayton Crescent London NW3 1TT - Ref EN10/0856

To: "Bakall, Gary" <Gary.Bakall@camden.gov.uk>

Dear Mr Bakall

**15 Gayton Crescent
Ref EN10/0856**

I attach a copy of a letter dated 14.10.2008 that you sent to a neighbour in reply to her complaint to you dated 15.09.2008.

Can you please let me have a copy of that letter dated 15.09.2008 together with any pictures that were included with the letter?

Many thanks.

Kind regards

Wendy Galway-Cooper
Tel 07813 44 59 82

14 November 2014



Gary Bakall
Planning
London Borough of Camden
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5 Pancras Square
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Dear Mr Bakall

15 Gayton Crescent, London , NW3 1TT
Appeals by Ms Wendy Galway Cooper
Appeal ref. APP/X5210/C/14/2217197 and APP/X5210/A/13/2203132

I write on behalf of Mrs Wendy Galway-Cooper the owner of the above site and the Appellant in respect of the above Appeals.

Mrs Galway-Cooper has requested that you provide a copy of past correspondence in respect of her property.

The communication in question relates to a letter sent to the LPA making a complaint against works at the above property.

Mrs Galway-Cooper wrote to you via email (copy enclosed) on 8th April 2014 attaching a copy of your letter dated 14.10.2008 (copy enclosed) responding to a neighbour complaint dated 15.09.2008

Mrs Galway-Cooper has received no reply to her email of 8th April. I am advised that Mrs Galway-Cooper also subsequently requested a copy of this letter via a telephone call.

The letter is requested in the context of the forthcoming Public Inquiry. We of course understand that the LPA may need to redact the name and address of the original complainant

I look forward to receiving your reply and a copy of this letter and enclosures by return email.

Yours sincerely

David Whittington
Director

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Building control applications

Serial number	08/1/0601
Type of application	Building notice
Name of building control officer	Mr Philip Wilmann
Site address	15 Gayton Crescent, London, NW3 1TT
Details of work carried out	IN ABEYANCE Rear Extension.
Validation date	01/10/2008
Commencement date	15/09/2008
Completion date	12/10/2008

Application status key

- **Abandoned:** Building work did not commence
- **In abeyance:** Building work ceased before completion - no enforcement necessary
- **Enforcement:** Enforcement notice outstanding
- **Statute barred:** Enforcement required but out of time
- **No final inspection:** Not possible to gain entry. Enforcement action unlikely to be carried out
- **Lapsed:** Application lapsed after 3 years
- **Record cancelled:** Invalid or withdrawn application

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For further information [please contact the building control team](#)

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Welcome to Camden small steps, our advice service to help you go green.

Building control applications

Serial number	08/1/0601
Type of application	Building notice
Name of building control officer	Mr Anthony Bourke
Site address	15 Gayton Crescent, London, NW3 1TT
Details of work carried out	IN ABEYANCE Rear Extension.
Validation date	01/10/2008
Completion date	12/10/2008

Application status key

- **Abandoned:** Building work did not commence
- **In abeyance:** Building work ceased before completion - no enforcement necessary
- **Enforcement:** Enforcement notice outstanding
- **Statute barred:** Enforcement required but out of time
- **No final inspection:** Not possible to gain entry. Enforcement action unlikely to be carried out
- **Lapsed:** Application lapsed after 3 years
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