

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/17/3172540

A. APPELLANT DETAILS

| | |
|--------------------------|---|
| Name | Mr Hussein Khodin |
| Address | 109 Highgate Road LONDON NW5 1TR |
| Phone number | 0208 808 1478 |
| Fax number | 0208 801 4915 |
| Email | muhammet@oakfieldsolicitors.com |
| 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 | Mr Muhammet Cankiran |
| Company/Group Name | Oakfield Solicitors LLP |
| Address | Oakfield Solicitors LLP Unit 4 Foutayne Business Centre, Broad Lane London N15 4AG |
| Phone number | 02088081478 |
| Email | muhammet@oakfieldsolicitors.com |
| 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) | 1800.175 |
| Date of issue of enforcement notice | 14/02/2017 |
| Effective date of enforcement notice | 28/03/2017 |

D. APPEAL SITE ADDRESS

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

Address
109 Highgate Road
LONDON
NW5 1TR

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 | <input type="checkbox"/> |
| Tenant | <input checked="" type="checkbox"/> |
| Mortgagee | <input type="checkbox"/> |
| None of the above | <input type="checkbox"/> |

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

The Applicant appeals the Enforcement Notice relating to the property, 109 Highgate Road, which will take effect on 28 March 2017.

The Applicant is in the process of purchasing the leasehold of the property, and It was alleged by Council that our client was in breach of planning control due to unauthorised change of use from a retail shop (Class A1) to a Scooter repair and Sales business (sui generis).

Following the Enforcement Notice, our client has taken steps to secure compliance with the Notice. An application for change of use from Class A1 to Sui Generis, was submitted on 08 March 2017 (ref: PP-05871369) to the Council, and we are yet to receive a decision.

Our client has no intention for the breach to re-occur; evidently he has taken steps and incurred costs to stop the breach from re-occurring (ie. application for planning permission).

In light of the above, the Applicant requests that the Enforcement Notice is removed and planning permission is granted.

- (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"). ☐
- (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. ☐
- (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. ☐

F. CHOICE OF PROCEDURE

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

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☒

2. Hearing ☐

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 ☐

a) the date of the relevant application

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☐ No ☒

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

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.

Signature

Mr Muhammet Cankiran

Date

27/03/2017 17:08:43

Name

Mr Muhammet Cankiran

On behalf of

Mr Hussein Khodin

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 Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

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: 109 Highgate Road - Enforcement Notice.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: 109 Highgate Road - Plan.pdf

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

Completed by MR MUHAMMET CANKIRAN

Date 27/03/2017 17:08:43