

APCAR SMITH PLANNING

Chartered Town Planning Consultants

**226A CAMDEN HIGH STREET
LONDON
NW1 8QS**

**ENFORCEMENT NOTICE APPEAL
UNDER GROUND (d)**

LPA Ref: EN17/1258

Principal: Carolyn Apar BA Hons. MRTPI

At the time the Enforcement Notice was issued (1 March 2018) it was too late for enforcement action to be taken against the change of use from 2 x self-contained flats to 4 x self-contained studio flats.

Each of the four studio flats created is wholly self-contained. There are no shared facilities. Each is therefore an independent dwelling house within Class C3.

Section 171B(2) of the Town and Country Planning Act 1990 states that where there has been a breach of planning control comprising a change of use of any building for use as a single dwelling house no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach. Ample evidence can be submitted to show that the breach, in the case of 226A Camden High Street, has been ongoing for in excess of 4 years prior to the date of service of the Enforcement Notice. Furthermore the Local Authority have been aware of the use as four studio flats during this period. As well as evidence in the way of Assured Shorthold Tenancy Agreements there is also evidence in the form of correspondence from the Local Authority's Benefits Service to the lessee's Managing Agents in respect of benefit payments for occupants of all four of the flats during the 4 years preceding the date of service of the Enforcement Notice.

This documentary evidence will be available for submission with the detailed Appeal Statement in due course. In view of the clear documentary evidence, including LB Camden correspondence and schedule of benefit payments, it is considered that this appeal is suitable for determination by way of the Written Representations procedure.