

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**SERVED BY: LONDON BOROUGH OF CAMDEN ("the Council")**

**TO: Barry McKay, Bosinney, Gayton Road, London NW3 1TX**

**1. THIS NOTICE** is served by the Council under section 187A of the above Act, because they consider that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at: **Bosinney, Gayton Road, London NW3 1TX** shown edged black on the attached plan.

**3. THE RELEVANT PLANNING PERMISSION**

The relevant Planning Permission to which this Notice relates is the planning permission:

<b>2009/1622/P</b>	<b>Planning Application:</b>	<b>Vine Cottage Gayton Road London NW3 1TX</b>	<b>Erection of a 2 storey single family dwelling house with basement, following the demolition of existing 2 storey cottage.</b>
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**Date of the permission: 8<sup>th</sup> December 2009**

A copy of the relevant Planning Permission is attached.

**4. THE BREACH OF CONDITION**

The following conditions have not been complied with:

1) Condition: 2

Prior to the first occupation of the building a plan showing details of the green boundary screen including species, planting density, substrate and a section at scale 1:20 showing

that adequate depth is available in terms of the construction and long term viability of the green boundary screen, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green boundary screen shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance

2) Condition: 3

The details of the sections, elevations and facing materials to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the development. Such details shall include proposed junctions through window frames/reveals, doors, eave details and gutter details. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved

**The condition has been breached in that:**

- 1) Unauthorised installation of steel fence above brick wall on street frontage
- 2) Installation of steel entrance door with side panel

**5. WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach(es) of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

1. Remove entirely the steel fence above the brick wall on street frontage and make good any resulting damage;
2. Submit a plan showing details of a green boundary screen including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green boundary screen, and a programme for an initial scheme of maintenance the local planning authority.
3. Within 2 months of the date of discharge of condition 2, the green boundary screen shall be fully provided in accordance with the approved details and thereafter retained and maintained in accordance with the approved scheme of maintenance.
4. Remove entirely the steel door and side panel on the front elevation and replace by a metal door and panel in accordance with the details shown on the plans approved on 21.9.10 ref 2010/4208/P pursuant to condition 3 of planning permission dated 8.12.09 ref 2009/1622/P

**Period for compliance:-**

Three months beginning with the day on which this notice is served on you.

**6. WHEN THIS NOTICE TAKES EFFECT.**

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 23 October 2018

*David T. Joyce*

(Signed).....

**Head of service, Supporting Communities, Regeneration and Planning on behalf of  
the London Borough of Camden, Town Hall, Judd Street, London WC1H 8JE**

**ANNEX**

**WARNING**

**THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated office to deal with enquiries:

Case Officer: Angela Ryan  
Email Address: [Angela.Ryan@camden.gov.uk](mailto:Angela.Ryan@camden.gov.uk)  
Phone no: 0207 974 3236

Appeals and enforcement  
Supporting Communities  
Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.**

## Explanatory Note

Section 187A of the Town & Country Planning Act 1990 Breach of Condition Notices states:

"Section 187A. Enforcement of Conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a 'breach of condition notice' on -

(a) any person who is carrying out or has carried out the development ; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2) () are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may be notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is -

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice ; or

(b) the period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove -

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice ; or

(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.


(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section -

(a) 'conditions' includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so).



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