

## The Planning Inspectorate

### QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference	APP/X5210/C/18/3209863
Appeal By	C/O REDCOURT LTD
Site Address	275 Eversholt Street Camden LONDON NW1 1BA

#### PART 1

1.a. Do you agree to the written representation procedure? Yes  No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Unauthorised use of a self-contained flat at basement level.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes  No

#### PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes  No

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes  No

4.b.i. Is the appeal fee exempt? Yes  No

4.b.ii. Please state why the appeal is fee exempt?

"Under section 174 (2A) of the Town and Country Planning Act 1990 (as amended) in these circumstances you are not permitted to make an enforcement appeal on ground (a)."

5.a. Is the appeal site within a conservation area? Yes  No

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area: Camden Town

Designated: 01/11/1986

Plan of the conservation area:

see '[Questionnaire Documents](#)' section

5.b. Is the appeal site adjacent to a conservation area? Yes  No

### PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes  No

6.b. Is the area of the alleged breach different from the above? Yes  No

6.c. Does the alleged breach create any floor space? Yes  No

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes  No

7.b. the deposit of materials remaining after mineral extraction? Yes  No

7.c. the storage of minerals in the open? Yes  No

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes  No

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes  No

### PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes  No

11. Has any planning permission been granted previously in respect of the development? Yes  No

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes  No

13. Has a planning contravention notice been served? Yes  No

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

## PART 5

16.a. Is the appeal site subject to an ARTICLE 4 Direction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have any development rights been restricted by means of a planning condition?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>

If YES, please provide the name(s) and address(es) of any consultees.

You can choose to enter this information directly on this form, or to send it to us in a separate document. Please indicate your preference below.

see 'Questionnaire Documents' section

### Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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### Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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### Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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**PART 6**

- 21.a. a copy of the letter with which you notified people about the appeal.
- [see 'Questionnaire Documents' section](#)
- 21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.
- [see 'Questionnaire Documents' section](#)
- the deadline you gave for their comments to be sent to us.
- 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
- [see 'Questionnaire Documents' section](#)
- 21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.
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- Policies/Planning Guidance
- 22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.
- List of policies
- 
- [see 'Questionnaire Documents' section](#)
- 22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.
- 22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.
- List of supplementary planning guidance
- 
- [see 'Questionnaire Documents' section](#)
- 22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.
- 22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;
- 22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;
- 22.g. your Authority's CIL charging schedule is being/has been examined;

22.h. your Authority's CIL charging schedule has been/is likely to be adopted.

22.i. any other relevant information or correspondence you consider we should know about.

[see 'Questionnaire Documents' section](#)

Other relevant information

Justification for s106

Policy T2 in chapter 10.18 of the Local Plan 2017;

All new residential developments (council consider the change of use is new development) in the borough should be car-free. Parking will only be considered for new non-residential developments where it can be demonstrated that the parking provided is essential to the use or operation of the development. Staff parking is not considered essential and will not be permitted. Parking for disabled people for both residential and non-residential developments should be provided where it can be demonstrated as necessary, taking into account existing availability of on-street parking for Blue Badge holders.

A section 106 agreement for the scheme would restrict the development as car-free (unless the occupant is disabled) which prevents occupants of the development from being granted parking permits and contracts for Council owned or controlled car-parks.

The reason for the s106 is to facilitate sustainability and to help to promote alternative, more sustainable methods of transport. The application site is located on Eversholt Street, which forms part of the Transport for London Road Network (TLRN) for which TFL are the highway authority and has an excellent Public Transport Accessibility level (PTAL of 6b), which indicates that it is highly accessible by public transport. The site is also located within a Controlled Parking Zone which is considered to suffer from parking stress. As the proposal provides an additional residential unit a S106 car-free development is required to ensure that the development does not create additional parking stress and congestion. This is in accordance with policies T1 Prioritising walking, cycling and public transport and T2 Parking and car-free development of the Camden Local Plan 2017.

The Council consider that a planning obligation is the most appropriate mechanism for securing the development as car-free as it relates to controls that are outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Free". The Council's control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property.

Further, use of a Section 106 agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

## PART 7

23. A true copy of the Enforcement Notice

[see 'Questionnaire Documents' section](#)

24. The Enforcement Notice Plan (if applicable)

[see 'Questionnaire Documents' section](#)

25. A list of those served with the Notice

[see 'Questionnaire Documents' section](#)

26. Do you wish to attach your statement of case? Yes  No

## LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

EN18/0386

Completed by

Geri Gohin

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Geri Gohin

Phone no (including dialling code)

0207 974 2047

Email

planningappeals@camden.gov.uk

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/18/3209863

Appeal By C/O REDCOURT LTD

Site Address  
275 Eversholt Street  
Camden  
LONDON  
NW1 1BA

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 2

**Document Description:** 5.a. Plan of the Conservation Area.

**File name:** Camden Town Townscape appraisal map.pdf

**File name:** Camden Town CA Appraisal.pdf

**Relates to Section:** PART 5

**Document Description:** 19. Details of any consultation carried out on the possibility of planning permission being granted if the appeal is confirmed as valid.

**File name:** appeal correspondence list.pdf

**Relates to Section:** PART 6

**Document Description:** 21.a. A copy of the letter with which you notified people about the appeal.

**File name:** Notification of an appeal letter (without any names and addresses).pdf

**Relates to Section:** PART 6

**Document Description:** 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.

**File name:** appeal correspondence list.pdf

**Relates to Section:** PART 6

**Document Description:** 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

**File name:** Delegated Report.pdf

**Relates to Section:** PART 6

**Document Description:** 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

**File name:** A1, H1, T1 and T2.pdf

**Relates to Section:** PART 6

**Document Description:** 22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

**File name:** CPG2 Housing.pdf

**File name:** CPG7 Transport (not revised 2011).pdf

**File name:** CPG - Amenity 2018 (stand alone).pdf

**File name:** CPG6 Amenity.pdf

**File name:** CPG3 Sustainability.pdf

**Relates to Section:** PART 7

**Document Description:** 23. A true copy of the Enforcement Notice.

**File name:** Enforcement notice.pdf  
**Relates to Section:** PART 7  
**Document Description:** 24. The Enforcement Notice Plan.  
**File name:** Enforcement notice.pdf  
**Relates to Section:** PART 7  
**Document Description:** 25. A list of those served with the Notice.  
**File name:** Enforcement notice.pdf

**The documents listed below are to follow by post:**

**Relates to Section:** PART 6  
**Document Description:** 22.i. Any other relevant information or correspondence you consider we should know about.

**Completed by** Not Set

**Date** 19/12/2018 10:59:57

**LPA** London Borough of Camden