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The Heath & Hampstead Society

President Lord Hoffmann *Vice-President* Martin Humphery *Chair* Marc Hutchinson
Patrons Lady Hopkins Gerry Isaaman OBE Sir Simon Jenkins
Bill Oddie OBE Tom Oliver Sir John Tusa

Mr JA Murray
Planning Inspector
The Planning Inspectorate

25 February 2019

PINS REFERENCE: APP/X5210/C/18/3193167

Dear Sir,

IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990
AND IN THE MATTER OF LAND AT SOUTH FAIRGROUND SITE, VALE OF HEALTH, LONDON
NW3 1AU
AND IN THE MATTER OF AN APPEAL BY POLAR BREN LIMITED AND JITA LUKKA AGAINST
AN ENFORCEMENT NOTICE EN17/1284 DATED 20th DECEMBER 2017 ISSUED BY LONDON
BOROUGH OF CAMDEN

This is an application jointly made by the Heath & Hampstead Society and the Vale of Health Society under Rule 6 (8) of the Town & Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

One issue in the current appeal relates to the nature and extent of the construction works undertaken on behalf of the Appellant to her current house on the South Fairground site. It is the Societies' case that the building operations undertaken by the Appellant were not carried out "for the maintenance, improvement or other alteration" of any building or structure but in fact amounted to works of re-construction or re-building and are therefore outside the scope of section 55 (2) of the Act: see Appendix 2 of the Societies' Statement of Case for the relevant authorities.

The Societies are surprised that, in an appeal clearly involving building works, so few documents relating to those works have been produced by the Appellant in support of her case under section 55 (2). The Societies have recently asked Ms Lukka to produce a range of documents. She has refused to do so, on the basis either that the documents sought do not exist or, in the case of builders' bills or invoices, that they are irrelevant. The Societies submit that all such documents are indeed potentially relevant and could well go to the issue outlined above. The correspondence passing between the Societies and the Appellant is appended to this letter.

In the circumstances, the Societies respectfully invite the Inspector to order the Appellant to provide copies of all builders' bills or invoices and/or other documents detailing the nature and extent of work undertaken to the Appellant's current house (now apparently known as Bren Cottage) from 29th March 2017 to date.

Yours faithfully

Marc Hutchinson, Chair



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Jita Lukka
Bren Cottage
The Vale of Health
Hampstead
London
NW3 1AS

18 December 2018

Dear Mrs Lukka

Ref: [APP/X5210/C/18/3193167](#)

AS Rule 6 parties in this matter, we request that you provide to the Inspector, and to the parties to the Inquiry, by no later than Friday 11 January 2019, copies of:

1. All specifications in respect of the building work to be undertaken on the South Fairground Site issued by Mr Covey or anyone else on behalf of the appellant,
2. All quotations sent to Mr Covey and/or the appellant in respect of such building work, and
3. All bills, whether interim or final, sent to Mr Covey and/or the appellant in respect of such building work.

If you fail to do so, the Societies are minded to invite the Inspector to make an order pursuant to Rule 6(8) of the Enforcement Inquiry Rules 2002 in similar terms.

Yours sincerely,

Marc Hutchinson
Chair

For and on behalf of the Heath & Hampstead Society and the Vale of Health Society



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Jita Lukka
Bren Cottage
The Vale of Health
Hampstead
London
NW3 1AS

20 December 2018

Dear Mrs Lukka

Ref: APP/X5210/C/18/3193167

As Rule 6 parties in this matter, and further to our letter of 18 December 2018, we request that you provide to the Inspector, and to the parties to the Inquiry, by no later than Friday 11 January 2019, copies of all images taken by the appellant or Mr Covey, or on behalf of them or either of them, of any structure or structures on the South Fairground Site at the time Bren Polar agreed to purchase the Site, which structure or structures the appellant claims to have refurbished or carried out any work on, showing the condition and/or appearance of any such structure or structures (whether exterior or interior) from the date of agreement to purchase to the date of completion of the said refurbishment and work.

If you fail to do so, the Societies are minded to invite the Inspector to make an order pursuant to Rule 6(8) of the Enforcement Inquiry Rules 2002 in similar terms.

I apologise for the omission of this request from our earlier letter.

Yours sincerely,



Marc Hutchinson
Chair

For and on behalf of the Heath & Hampstead Society and the Vale of Health Society



3rd January 2019

RE: 3193167: The South Fairground (Bren Cottage), Vale of Health. NW3 1AS
Camden EN17/1284

Dear Mrs Solomons

I have been asked by Jita Lukka to respond to your email 3 January.

I refer you to numbered paragraph 2 of my response 22 December to Mr
Hutchinson appended below for your ease of reference.

Yours sincerely

N. Watts

APPENDED

22nd December 2018

Dear Mr Hutchinson,

I respond on behalf of Miss Jita Lukka to your letters 18 and 20 December 2018
requesting information under Statutory Instrument 2002. No 2685. Rule 6 (8)
as follows: -

1. There were no specifications or quotations regarding the refurbishment of
the modest size primitive house which was effected under the supervision of
Jita Lukka following the counsel she had received from her architect Mr Tony
Covey. Indeed it would have been impossible to have procured such a
specification or quotation since Jita Lukka intended to use architectural salvage
compatible with the materials of the extant construction. The work was carried
out at minimal cost. Her major expenditure was that of clearing the rubbish
and restoring the landscape amenity of the SFS after it had been left to
deteriorate into a squatter's compound over a period of twelve years with no
intervention from Camden Council, City of London, H&HS or VOHS.

2. There are no bills of any consequence regarding the restoration of the house which would assist you in the naïve case that patently you have been seeking to develop.

3. There are no images of the modest restoration process that was effected within Section 55 (2) (a) TCPA 1990. You have the images of the footprint on which the house stood prior to December 2013.

I trust that the above will satisfy your request and that you will now focus your attention on rectifying the vicious damage you have inflicted on this appeal process by your introduction of the false testimony of one who you were well aware was afflicted with a visceral grievance after his blackmail attempt had not been accommodated. I suspect that such an act of folly would not have been endorsed by either your distinguished president Lord Hoffmann or any one of your illustrious patrons.

Yours sincerely

N. Watts



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18 February 2019

Dear Mrs Lukka

Ref: APP/X5210/C/18/3193167

As Rule 6 parties in this matter, and further to our letters of 18 and 20 December 2018, we have to inform you that we have engaged a chartered surveyor to advise us in relation to the building of Bren Cottage. He is Jonathan Longden BSc MRICS ACI Arb of Leys Longden and Co, 2 Crofters Court, The Crofts, Witney, Oxfordshire OX28 4DD.

Would you please let us know some dates and times when it would be possible for him to inspect the site of Bren Cottage, either this week or early next week, with a view to reporting to us on the matter. We would have no objection if he were accompanied on the site visit by your Mr Anthony Covey.

With regard to our earlier letters, Mr Watts has replied on 22 December 2018 on your behalf to the effect that there is nothing relevant in existence or that what does exist will not help us in our case. We repeat our requests in those letters in the context of the Enforcement Inquiry Rules.

Yours sincerely,



Marc Hutchinson
Chair

For and on behalf of the Heath & Hampstead Society and the Vale of Health Society



19th February 2019

Dear Mr Hutchinson

Miss Jita Lukka has passed to me your letter dated 18 February 2019.

You appear to be labouring under some misapprehension as to the provisions of the Inquiry Rules.

I believe that you and your close associate Mrs Ellen Solomons have inflicted sufficient damage on this Inquiry process by your introduction of false testimony suborned from one who you were well aware was afflicted with a visceral grievance after his blackmail attempt had failed.

I trust that in the fullness of time you both might find some measure of emancipation from the cruel chains of your tortured constitutions.

Yours sincerely

N. Watts
