

Council reference: EN18/0623

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE**  
**PLANNING AND COMPENSATION ACT 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: THE LONDON BOROUGH OF CAMDEN**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

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

**Land at: 12 Ingestre Road, London NW5 1UX** as shown outlined in black on the attached plan ("the Property").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

**Without planning permission:** the material change of use from care home (use class C2) to house in multiple occupation (sui generis) and three self-contained flats (use class C3).

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) The unauthorised change of use has occurred within the last 4 years.
- b) It appears that the breach of planning control in respect of the Sui Generis use has occurred within the last 10 years.
- c) The use of the site as a house in multiple Occupation (HMO) and three self-contained flats in place of supported housing or permanent self-contained for people with support needs or general needs is contrary to policy H8 (Housing for older people, homeless people and vulnerable people) of the Camden Local Plan 2017.

Council reference: EN18/0623

- d) In absence of a S106 Agreement to secure a car free development, the use as a large House in Multiple Occupation (HMO) and three self-contained flats contributes unacceptable to parking stress and traffic congestion in the surrounding area and fails to promote more sustainable and efficient forms of transport and active lifestyles. Contrary to policies T2 (Parking and car-free development), CPG Transport and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- e) The absence of sufficient secure cycle storage, is contrary to policies T1 of the Camden Local Plan 2017, CPG Transport and Draft London Plan 2017
- f) In the absence of a S106 Agreement to secure affordable housing, the site would fail to ensure the provision of the required amount of affordable housing for the scheme, contrary to policies H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

## 5. WHAT YOU ARE REQUIRED TO DO

Within a period of **TWELVE (12) months** of the Notice taking effect:

1. Cease the use of the unauthorised house in multiple occupation (sui generis) and the three self-contained flats (C3) at 12 Ingestre Road, London NW5 1UX.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **25 SEPTEMBER 2019** unless an appeal is made against it beforehand.



**DATED: 14 AUGUST 2019** Signed:

**Chief Planning Officer, Supporting Communities on behalf of the  
London Borough of Camden, Town Hall, Judd Street, London  
WC1H 8JE**

Council reference: EN18/0623

**Explanatory Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002**

An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:

Appeals and Enforcement  
Supporting Communities  
Regeneration and Planning  
Development Management  
London Borough of Camden

**Council reference: EN18/0623**

Town Hall  
Judd Street  
London  
WC1H 9JE

The fee is £3,696.00

**The TOTAL FEE payable is £3,696.00 (i.e. £462.00 x 8)**

**STATEMENT ON GROUNDS OF APPEAL**

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

Council reference: EN18/0623

## ANNEX

### YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **25 September 2019**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

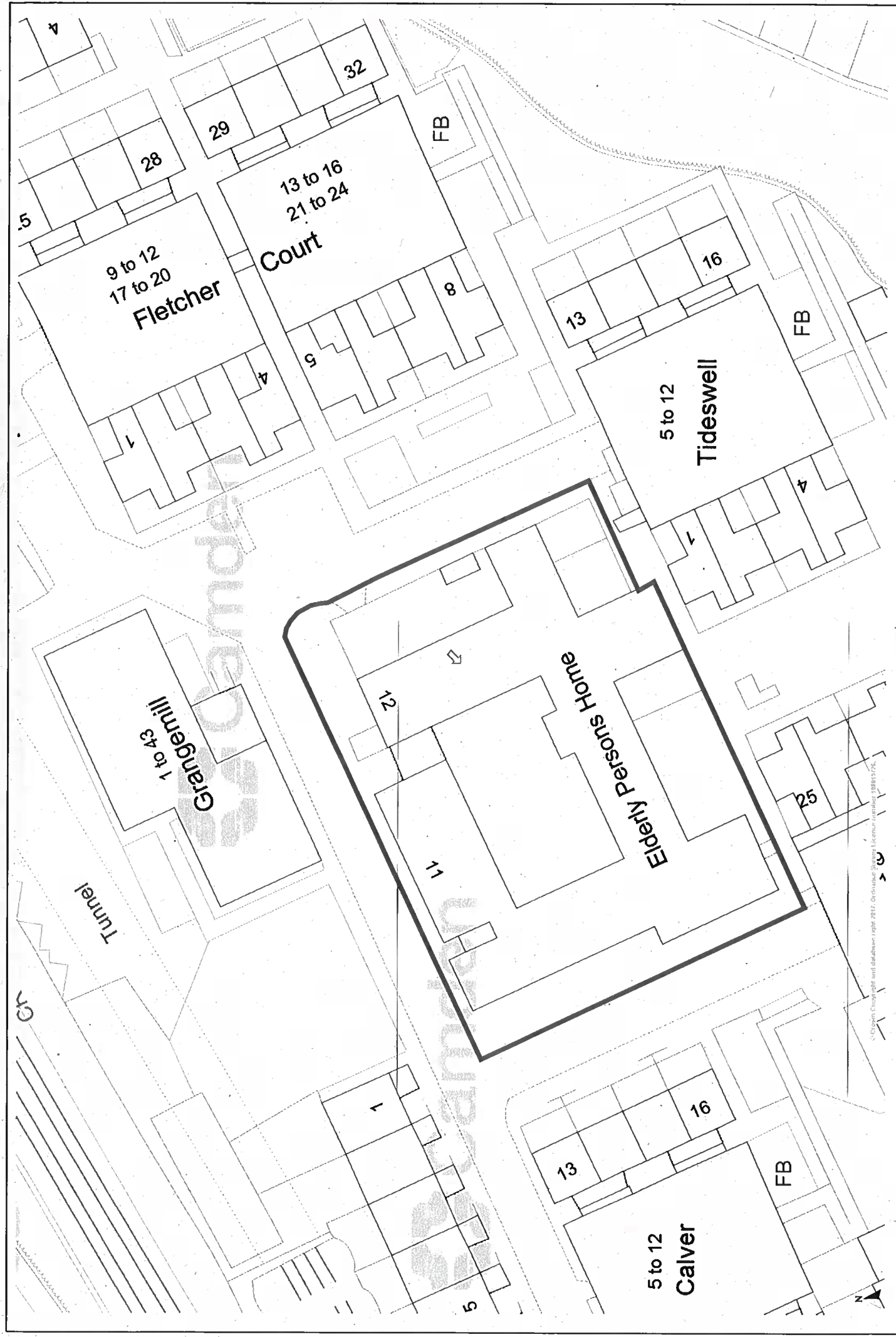
For the full sections of the act please see:  
<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>

Council reference: EN18/0623

**THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON:**

<b>1</b>	Owner, 12 Ingestre Road, London NW5 1UX
<b>2</b>	Occupier, 12 Ingestre Road, London NW5 1UX
<b>3</b>	Four Quarters (Ingestre Road) Limited 18 The Broadway, Wembley HA9 8JU
<b>4</b>	Bank Frick & Co. AG Landstrasse 14, 9496 Blazers, Liechtenstein
<b>5</b>	Bank Frick UK Branch 25 Bedford Square London WC1B 3HH

**If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know of this omission as soon as possible.**



Camden

Camden

