

Council reference: EN16/0772

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: 8 - 9 Spring Place, London NW5 3ER as shown outlined in black on the attached plan ("the Property").

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

Without planning permission: the use of the building as 30 residential units.

4. **REASONS FOR ISSUING THIS NOTICE:**
 - a) The unauthorised development has occurred within the last 4 years.

 - b) The unauthorised development, in absence of evidence to justify that the building is no longer suitable for the previous business use, or for reusing or redeveloping the site, results in the loss of a business/employment use contrary to policy E2 of Camden's Local Plan.

Council reference: EN16/0772

- c) The unauthorised development, by reason of the inadequate size, layout, and levels of natural light and outlook of the residential accommodation, has resulted in the provision of sub-standard accommodation to the detriment of existing and future residential occupiers contrary to policies D1 and H6 of Camden's Local Plan 2017.
- d) The unauthorised development provides sub-standard levels of external amenity space within site. In absence of a S106 Legal Agreement to secure adequate provision for open space puts unacceptable pressure on the Borough's network of open spaces contrary to policy A2 (open space) of Camden's Local Plan 2017.
- e) The unauthorised development, by reason of the failure to provide a mix of units and provision of high priority units in line with the Council's dwelling size priorities table, is contrary to policy H7 of Camden's Local Plan 2017.
- f) The unauthorised development, in absence of the provision of affordable housing in line with policy H4, fails to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Local Plan 2017, policy 3.12 of the London Plan 2016.
- g) The unauthorised development, in the absence of a legal agreement for car-free housing, contributes unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden's Local Plan 2017.
- h) The unauthorised development, by reason of the unsatisfactory amount of cycle parking provided, discourages the ownership and use of cycles as a sustainable form of transport, contrary to policy T1 (Prioritising Walking, Cycling and Public Transport) of Camden's Local Plan 2017.
- i) The unauthorised development, in the absence of a legal agreement for car-free housing, is likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of Camden's Local Plan 2017.

Council reference: EN16/0772

- j) The unauthorised development, in the absence of a legal agreement to secure an Energy Efficiency and Renewable Energy Plan, to show how the development has been designed following the steps in the energy hierarchy, assessment of the embodied carbon emissions associated with the development, assessment of feasibility of connecting to an existing decentralised energy network and provision of on-site renewable energy generation, and ability to demonstrate a 20% 'Be Green' stage carbon dioxide reduction from renewables and the greatest possible reduction meeting part L1B for retained thermal elements (London Plan 5.4, Local Plan CC1) or to secure the submission of post-construction reviews demonstrating compliance, fails to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding) CC4 (Air quality), C1 (Health and wellbeing) and DM1 (Delivery and monitoring of Camden's Local Plan 2017).

5. WHAT YOU ARE REQUIRED TO DO

Within a period of **SIX (6) months** of the Notice taking effect:

1. Cease the use of the 30 residential units
2. Remove all bathrooms and kitchens that facilitate the unauthorised use
3. Make good any damage caused as a result of the above works

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **28 JANUARY 2020** unless an appeal is made against it beforehand.

DATED: 17 December 2019 Signed:



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

Council reference: EN16/0772

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: EN16/0772

Town Hall
Judd Street
London
WC1H 9JE

The fee is £27,720.00

The TOTAL FEE payable is £27,720.00 (i.e. £13,860.00 x 2)

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: EN16/0772

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 **28 January 2020**, 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>

