

Council reference: EN21/0569

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: Flat 12, Xylo Apartments, 42 Caversham Road, London NW5 2DS 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 Property as ‘temporary sleeping accommodation’ (as defined by Section 25 of the Greater London (General Powers) Act 1973 and as set out in the ‘Explanatory Note’ below) for more than 90 nights in the same calendar year in breach of Section 25A (2)(a) and (b) of the Greater London Council (General Powers) Act 1973.

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

- a) The change of use has occurred within the last 10 years;
- b) The number of nights that the flat has been let on a short term basis has exceeded the conditions set by Section 25 of the Greater London Council (General Powers) Act 1973 except to the extent allowed by Section 25A (1) of that Act, which permits the use subject to Conditions, including Conditions set out at Section 25A (2) (a) and

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- (b) limiting the use as temporary sleeping accommodation to a maximum of 90 nights in any one calendar year. In doing exceeding the 90-day limit this has resulted in the unacceptable loss of permanent residential accommodation in the Borough which is contrary to policies H1 (Maximising housing supply), and H3 (Protecting existing homes), of the Camden Local Plan (2017) and;
- c) The change of use, by reason of the shared access and location within a residential block and high turnover of short-term let clientele has the potential to result in increased incidences of noise and disturbance at unsociable hours to the detriment of existing residential amenity contrary to policy A1 (Managing the impact of development) of the Camden Local Plan (2017).

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

Within a period of **ONE (1) month** of the Notice taking effect:

1. Cease use for short term letting, Discontinue the use of the premises as 'temporary sleeping accommodation' as defined at Section 25 of the Greater London Council (General Powers) Act 1973 except to the extent allowed by Section 25A (1) of that Act, which permits the use subject to Conditions, including Conditions set out at Section 25A (2) (a) and (b) which limit use as temporary sleeping accommodation to a maximum of 90 nights in any one calendar year

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **12 November 2021** unless an appeal is made against it beforehand.



DATED: 15 October 2021 Signed:

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

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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 be submitted at the same time as the appeal form is submitted. The fee is payable:

By credit/debit card by phone: call 020 7974 4444 or by BACS transfer to:

London Borough of Camden NatWest Account.

Sort code: 50-30-03

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Account number: 24299480

You must use the Council's reference EN21/0569.

The fee is £990.00

The TOTAL FEE payable is £990.00 (i.e. £495.00 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.

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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 **12 November 2021**, 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>

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THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON:

1	Owner Flat 12, Xylo Apartments, 42 Caversham Road, London NW5 2DS
2	Occupier Flat 12, Xylo Apartments, 42 Caversham Road, London NW5 2DS
3	Owner 42 Caversham Road, London NW5 2DS
4	Occupier 42 Caversham Road, London NW5 2DS
5	Owner 42A Caversham Road, London NW5 2DS
6	Occupier 42A Caversham Road, London NW5 2DS
7	DEXBAY PROPERTIES LIMITED First Floor, 94 Stamford Hill, London, England, N16 6XS
8	Allo Housing UK LTD 164 New Cavendish Street, London W1W 6YT
9	EUROBANK CYPRUS LTD (incorporated in Cyprus) of 41 Arch Makarios 111 Avenue, 1065 Nicosia, Cyprus

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.

