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25th November 2021

Inquiries & Major Casework Team
Planning Inspectorate

RE: 100 Avenue Road Appeal – Appeal reference APP/X5210/Q/21/3276844

Further to my original objections in this matter, I would like to briefly comment as follows.

It has emerged during the course of the Inquiry that the Appellant has in effect sought to rerun the original appeal and has sought to invite the Inspector to reconsider the desirability of the original conditions.

Counsel for the LB Camden canvassed this issue extensively during the course of the Inquiry and I cannot usefully add anything in detail to what has already been stated.

I would like to reiterate nevertheless that I fully endorse all of the submissions made by counsel for the LB Camden relating to that issue and that it is outside the scope of the legislation for the Appellant to seek to have re-run the merits of the case.

This appears to raise a point of law of some importance which doubtless may give rise to a further legal challenge from either side, depending on which side's arguments the Inspector is minded to follow.

I would also add that it may also give rise to an abuse of process argument for the Appellants to have sought to persuade the Inspector to revisit the issues that were before the original appeal Inspector to determine whether they should be bound by the original conditions or not.

Finally, so far as the previous legal challenges were concerned, none were certified as being "totally without merit", and the submissions made by counsel for the Appellant were deliberately misleading in seeking to argue that this was the case.

The first one was in fact not a Judicial Review as wrongly stated in the Statement of Common Ground, but a Statutory Planning Review under section 288 of the Town and Country Planning Act 1990, although there were later applications for permission for Judicial Review regarding issues relating to conditions.

Yours faithfully



Terence Ewing