

Enforcement Delegated Report

Receipt date:

08/07/2021

Officer

Angela Ryan

Enforcement Case

EN21/0590

Breach Address

86A Plender Street
London
NW1 0JN

Photos & Other material

On file

Authorised Officer Signature



11/10/2021

Alleged Breach

Without planning permission, the change of use of the first and second floor from residential use to use as temporary sleeping accommodation comprising 4 studio units.

Recommendation(s):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring, to cease the use of the property as temporary sleeping accommodation and reinstate the first and second floor as one residential unit, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

Priority:

P3

Site Description

The site comprises a three-story building located on the junction of Plender Street and Bayham Street. There is a commercial use located on the ground floor, with short term let accommodation comprising 4 studio units on the upper floors (1st and 2nd). Access to the upper floors is via Bayham Street.

The site within an area of mixed commercial residential use and is located within the Central London Area.

The site is not listed and lies within the designated Camden Town conservation area.

Investigation History

As part of the Council's short term let initiative in the Bloomsbury Area in 2020 a desk top study has been undertaken to review short term let breaches in 2021. Complaints were received about the use of the upper floors of this property has temporary accommodation. A planning history search revealed that a certificate of lawful development (CLUED) was refused with a warning of enforcement action on the 13/03/2017 for the use of the building as 4 residential studio units.

Permission was refused as the applicant failed to provide sufficient evidence to prove in accordance

with Section 191 of the Town and Country Planning Act 1990 that on the balance of probability the upper floors of the building had been in continuous use as 4 self-contained residential flats for a period of 4 years as required under the Act. The Council's own evidence showed that this stage the building was in full time use as short term accommodation. Accordingly residential status for the four units, to enable them to benefit from the 90 night allowance had not been established.

The officer's delegated report stated the following:

As part of the enforcement investigation (Ref: EN15/1120) into the use of the property as short term lettings, a site visit to the property was undertaken on the 19th February 2016. The officer was satisfied that the unit was divided into x4 self-contained studio flats. In the officer's delegated report it is stated;

- *As part of their enforcement investigation the Council served a Planning Contravention Notice (PCN) on the owners. The response to this PCN confirmed that the property had been used for short term lettings but only for a 20 day period between 8th October 2015 and 5th November 2015;*
- *Officers have kept regular checks on Booking.com since the case was opened on 3rd November 2015 and have notes of guest reviews back to that date for the studio flats being rented out on a short term basis.*

The Officer considered at that time (**10/03/2017**) that the property was in use as full time short term let use and recommended enforcement action. Unfortunately it appears that whilst the enforcement officer suspected the use, a notice was not served at the time. There was a subsequent investigation in 2018 following a further complaint about short term let use. As the property was not being marketed on a site tracked by the Council it was not possible to confirm short term let use.

The Council's latest review was able to locate the property on a number of short term let sites. This indicates that the use as temporary accommodation has continued since the 2017 application. Given the evidence showing short term let use since that period, with reviews in 2019, it was not possible for the 4 years necessary for the use as 4 studios to have become lawful.

The Council's evidence demonstrates that a breach of planning control has taken place.

86A Plender Street

The screenshot shows the BedandBreakfasts.co.uk website. The main heading is "Stay Central Apartments, London, Greater London, NW1 0JN". Below this, there is a "Details View" section with a "Step 1 - Please add an image" prompt. The property is located at "86 Plender Street, Camden, London, NW1 0JN" and has a "Star Rating: N/A". The description states: "Offering self-catering accommodation in London city centre these spacious studio flats located just a short walk from the popular Camden Town and just 10 mins away from Regents Park. Plenty of pubs restaurants and vintage shops around."

A calendar view is shown for "Tuesday, 05 October 2021". The calendar displays prices for the week of October 5th to 11th, 2021. The prices are as follows:

Tue	Wed	Thu	Fri	Sat	Sun	Mon
05	06	07	08	09	10	11
£70.00	£70.00	£70.00	£70.00	£70.00	£70.00	£70.00

Dates: Tue Oct 05, 2021 - Wed Oct 06, 2021 Nights: 1 Total cost: £ 70.00

Buttons: "Add to Shortlist" and "Make a Booking"

<https://www.bedandbreakfasts.co.uk/propertysearch.aspx?hotelpage=evstayaptnw1>

86 Plender Street, Camden, London, NW1 0JN

Star Rating: N/A


Offering self-catering accommodation in London city centre these spacious studio flats located just a short walk from the popular Camden Town and just 10 mins away from Regents Park. Plenty of pubs restaurants and vintage shop

Home | essentials | 18 Bayham St - Google | Booking.com | Stay Central App | Land Registry | STLPRO - Work | *HOTEL OYO HOME PL | OYO Home 110 Plende | OYO Home 110 Plende

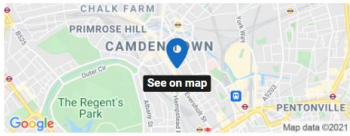
uk.hotels.com/ho1052960128/oyo-home-110-plender-street-2-london-united-kingdom/

DC Enforcements, Complaint - EN21/0590 [NLPL]
Searching... Planning Applications - FP - Data Takeon
Cancel

Restrictions related to your trip
Check COVID-19 restrictions. [Find out more](#)



Standard Studio, 1 Double Bed - Room 12 / 14



86a Plender Street, London, NW1 0JN, England, United Kingdom

8.6 Fabulous
6 verified Hotels.com guest reviews

"Great location as we were visiting the Roundhouse in Camden. Flat was small and apart..."
May 30, 2019

"It was a studio apartment offering everything I needed and more. For my short stay I only..."
Mar 4, 2019

[See all 6 reviews](#)

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[MANAGE PREFERENCES](#)

[ACCEPT ALL](#)

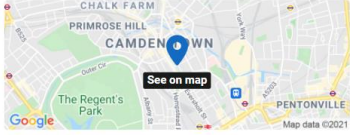
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Standard Studio, 1 Double Bed - Room 1 / 14




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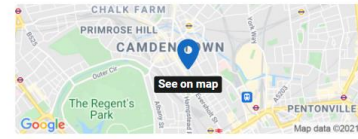
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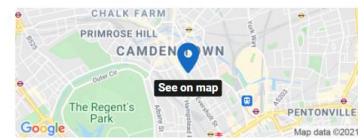
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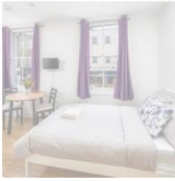
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Apps Home | essentials

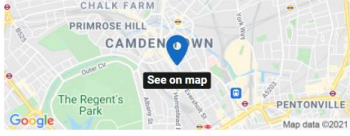
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Standard Studio, 1 Double Bed - Private kitchenette 11 / 14



14



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[See all 6 reviews](#)


Windows taskbar: 14:30 05/10/2021

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oyo-home-plender-street-1-london-gb.hotelmix.co.uk

Apps Home | essentials

DC Enforcements, Complaint - EN21/0590 [NLPL]
Searching... Planning Applications - Listed Building Consent



31 PHOTOS




Windows taskbar: 14:08 05/10/2021

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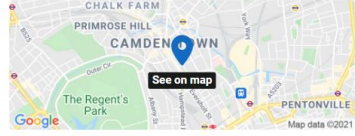
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Apps Home | essentials

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Exterior







86a Plender Street, London, NW1 0JN, England, United Kingdom

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[See all 6 reviews](#)

4 / 14

Windows taskbar: 14:28 05/10/2021

<https://uk.hotels.com/ho1052960128/oyo-home-110-plender-street-2-london-united-kingdom/>

Reviews from 2019.

- Check-out before 11:00 AM


Special check-in instructions

- There is no front desk at this property. This property doesn't offer after-hours check-in. For more details, please contact the property using the information on the booking confirmation. The credit card used to book the reservation must be presented by the cardholder at check-in along with matching photo identification.

Home | essentials x 18 Bayham St - Google Maps x Booking.com : Search results: x STLPRO - Working Area x *HOTEL OYO HOME PLENDE x OYO Home 110 Plender Stre x + -

oyo-home-plender-street-1-london-gb.hotelmix.co.uk

Apps Home | essentials



31 PHOTOS


14:33 05/10/2021

This screenshot shows a web browser displaying a gallery of 31 photos for an OYO Home property. The main image is a bedroom featuring a double bed with a light-colored duvet, a window with purple curtains, a white electric fan, and a tall white wardrobe. Below the main image is a horizontal strip of 31 smaller thumbnail photos showing various rooms and views of the property. The browser's address bar shows the URL 'oyo-home-plender-street-1-london-gb.hotelmix.co.uk'. The Windows taskbar at the bottom displays the time as 14:33 on 05/10/2021.

Home | essentials x 18 Bayham St - Google Maps x Booking.com : Search results: x STLPRO - Working Area x *HOTEL OYO HOME PLENDE x OYO Home 110 Plender Stre x + -

oyo-home-plender-street-1-london-gb.hotelmix.co.uk

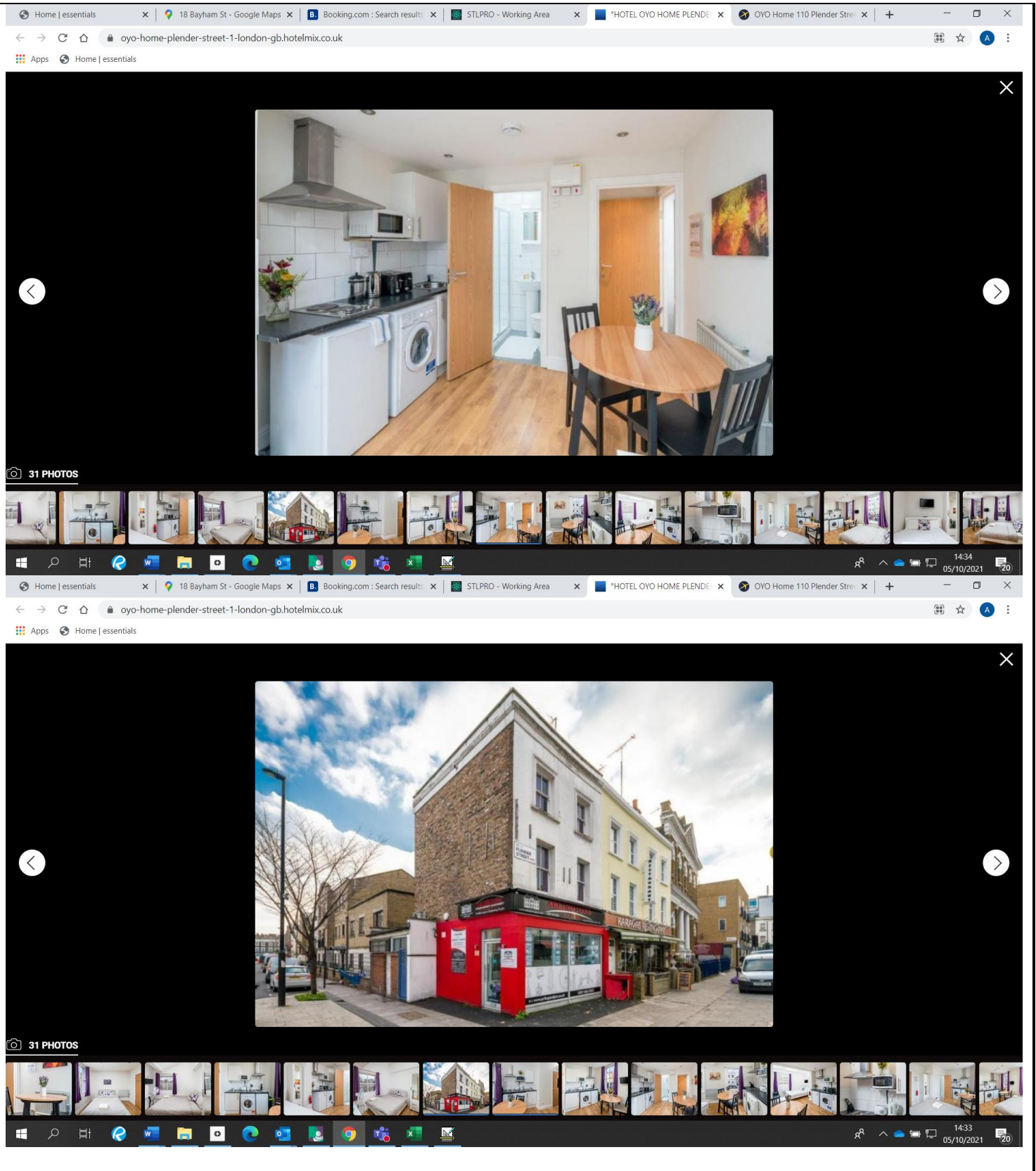
Apps Home | essentials

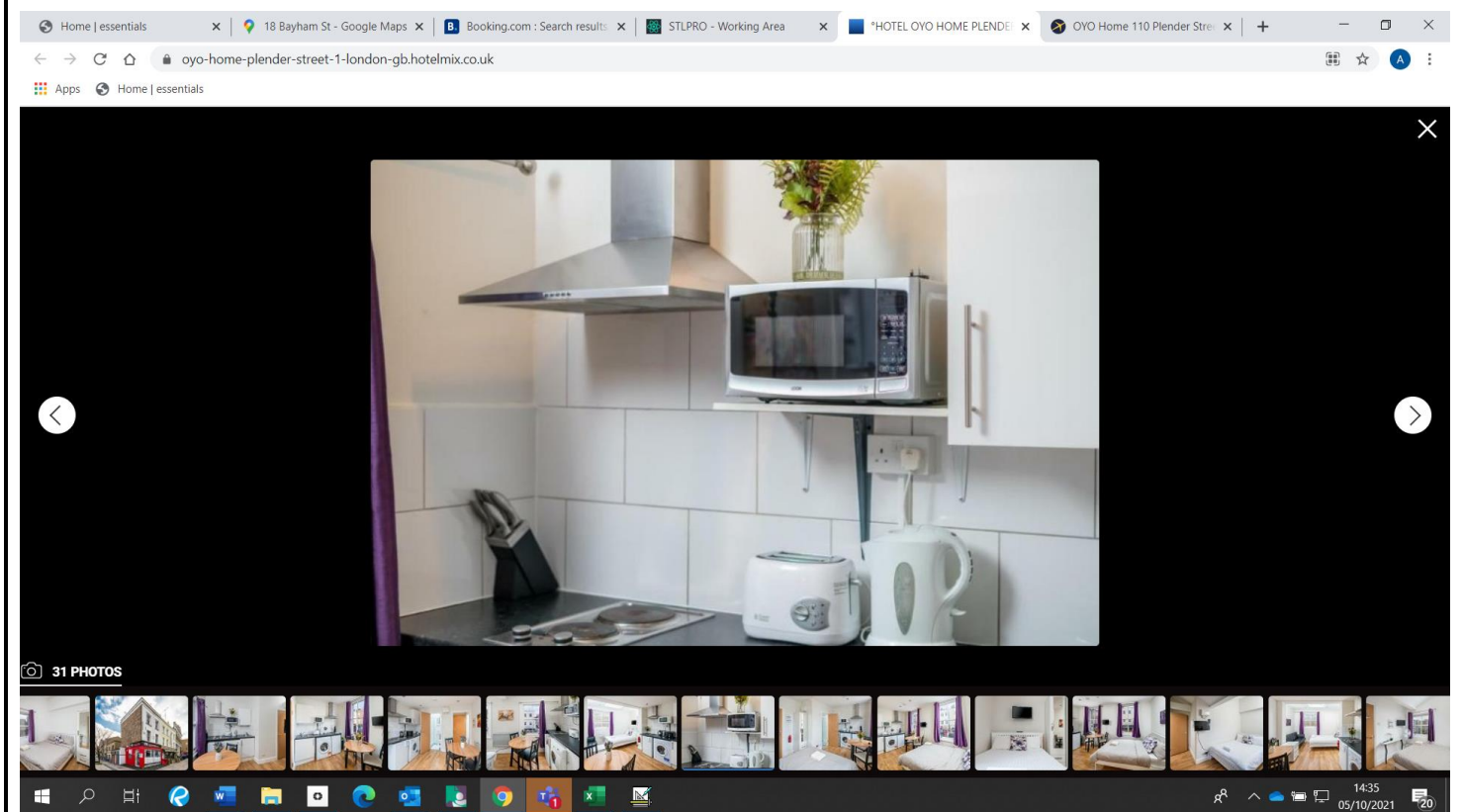
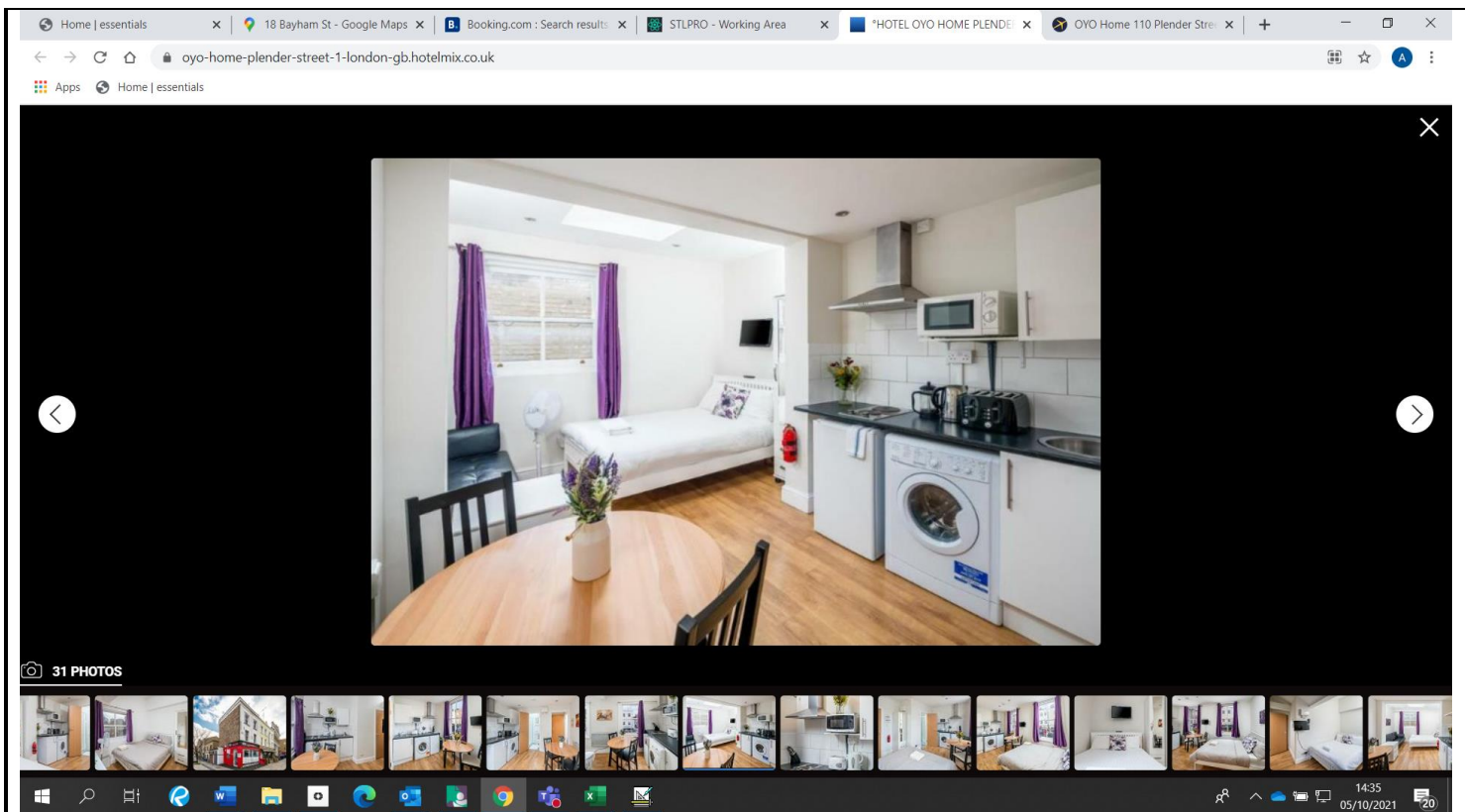


31 PHOTOS

14:34 05/10/2021

This screenshot shows the same web browser displaying a different photo from the gallery. The main image is a kitchen area featuring a round wooden table in the foreground, a sink, a stove, a microwave, and a window with purple curtains. Below the main image is a horizontal strip of 31 smaller thumbnail photos showing various rooms and views of the property. The browser's address bar shows the URL 'oyo-home-plender-street-1-london-gb.hotelmix.co.uk'. The Windows taskbar at the bottom displays the time as 14:34 on 05/10/2021.





Home | essentials x 18 Bayham St - Google Maps x B Booking.com : Search results: x STLPRO - Working Area x HOTEL OYO HOME PLENDE x OYO Home 110 Plender Street x

oyo-home-plender-street-1-london-gb.hotelmix.co.uk

Apps Home | essentials

Overview Facilities Location Reviews

Overview

The 3-star Oyo Home Plender Street 1 London boasts proximity to Statue of Amy Winehouse — it is just 1 km away.

Location

The Hotel is located near The Stables Market, about 500 metres from Camden Town tube station. The property lies within 4 km of the centre of London. It is right near Jewish Museum London. Camden Road train station is nearly a 10-minute walk away. Guests can reach Oyo Home Plender Street 1 by car from London City airport in 30 minutes.

Eat & Drink

Alexander The Great and Karavas with assorted specialities are about 50 metres away.

[- Less](#)

Facilities

Most popular facilities

Wi-Fi Parking Luggage 24-hour Facilities for No pets

Address

Plender St,86, London, United Kingdom, NW1 0JN

[VIEW MAP](#)

Good to know

CHECK-IN
from 15:00-23:59 **free**

CHECK-OUT
until 11 am **free**

Getting around

AIRPORTS

London City (LCY)	16.0 km
London Heathrow (LHR)	29.6 km

<https://oyo-home-plender-street-1-london-gb.hotelmix.co.uk/>

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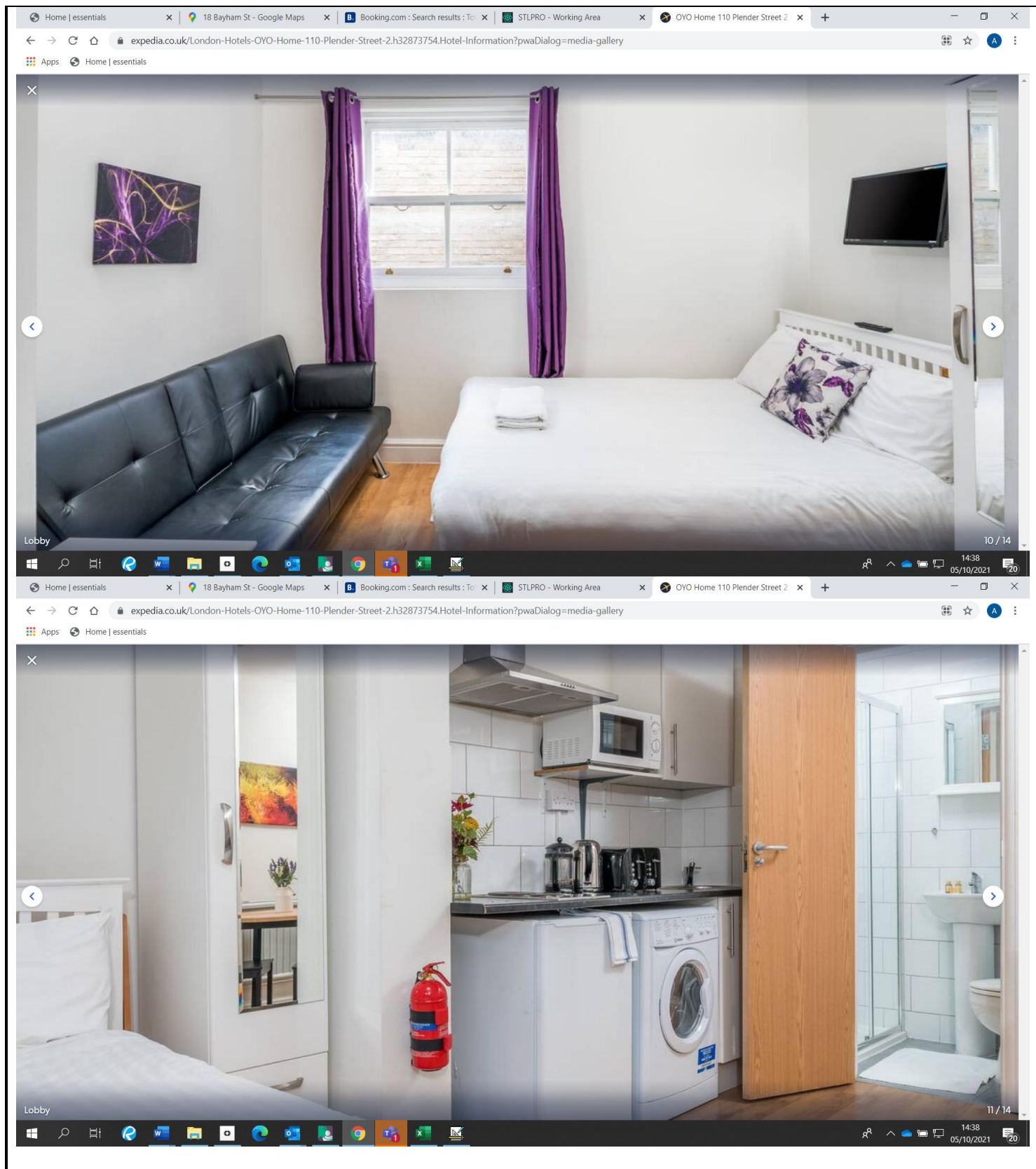
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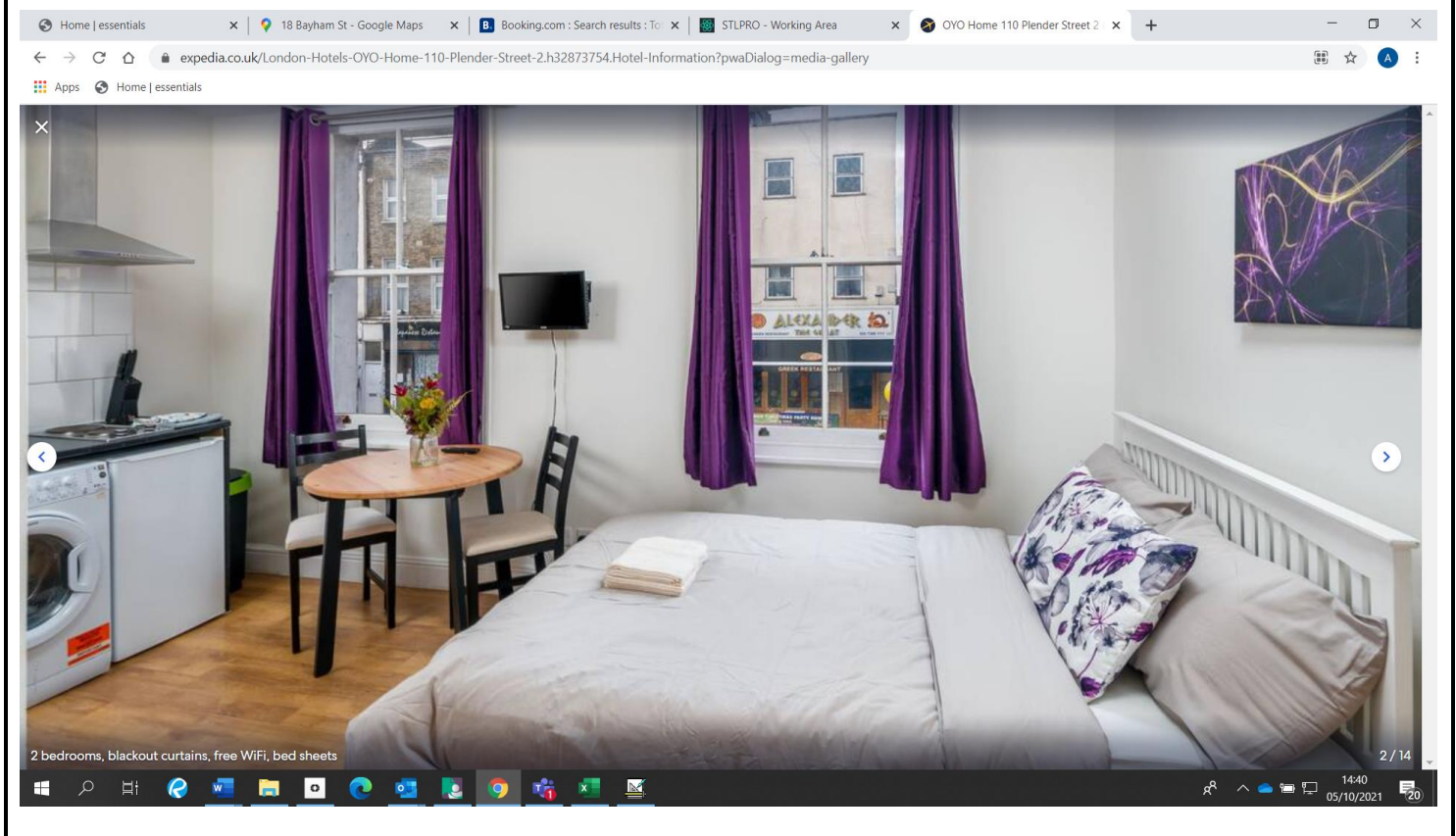
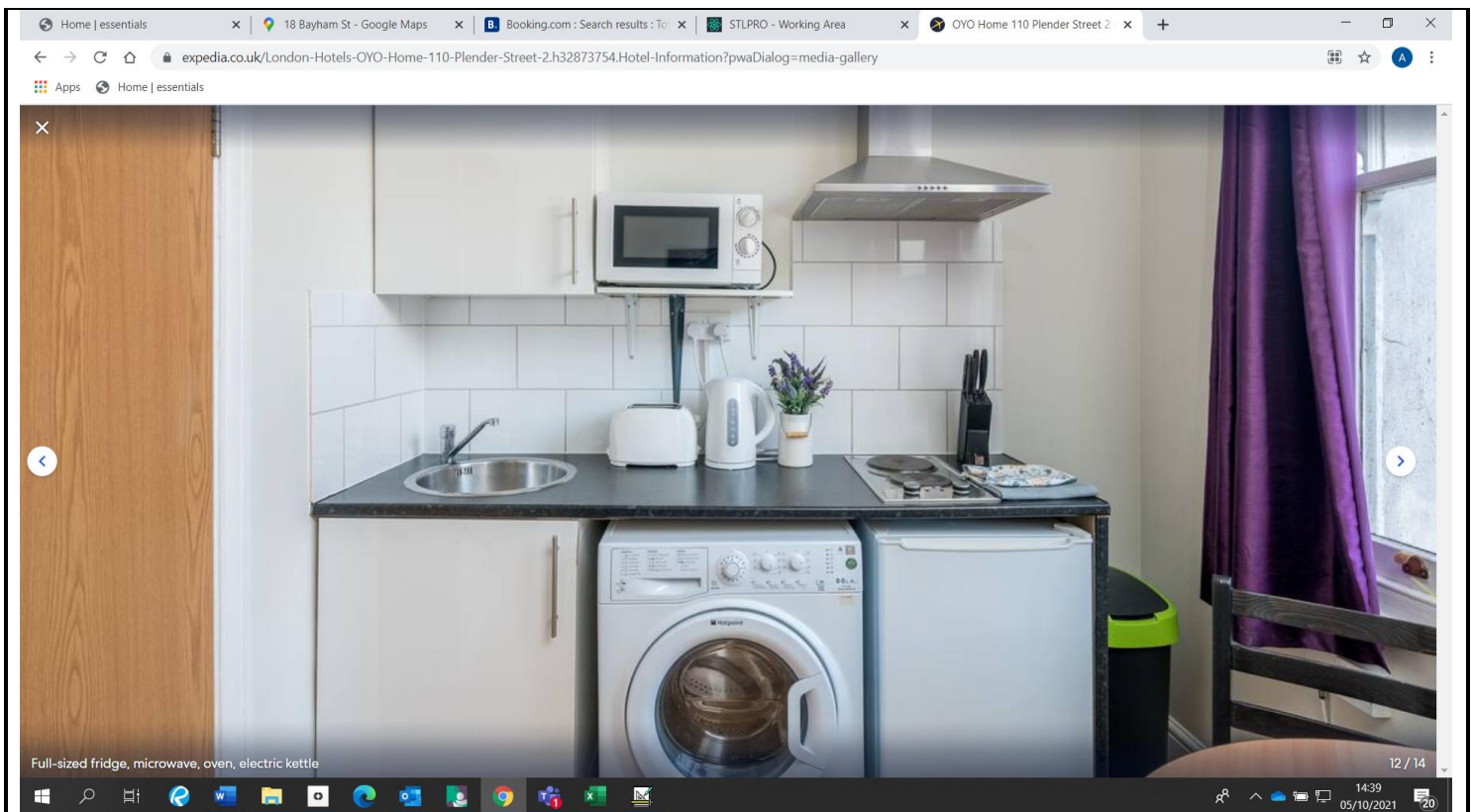
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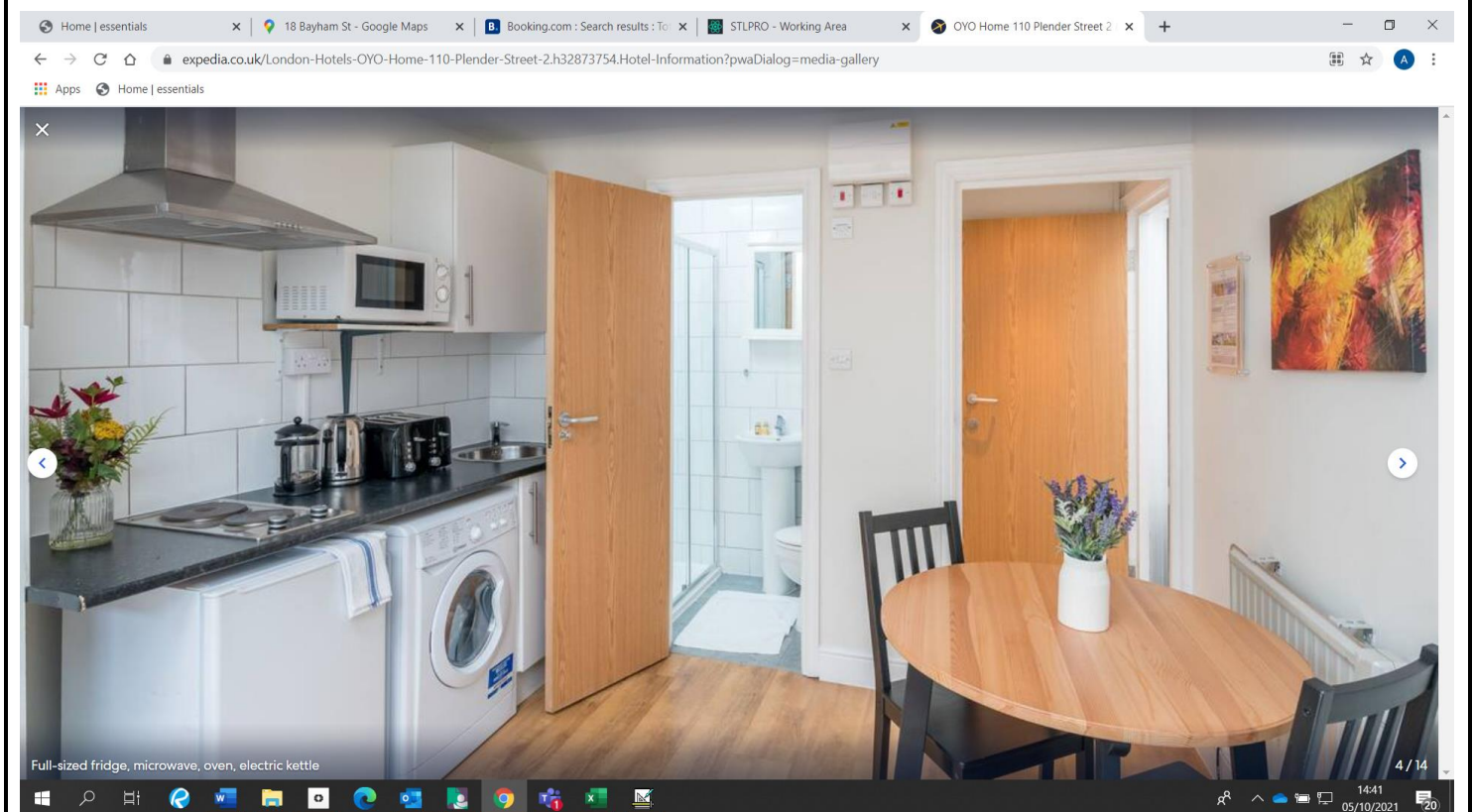
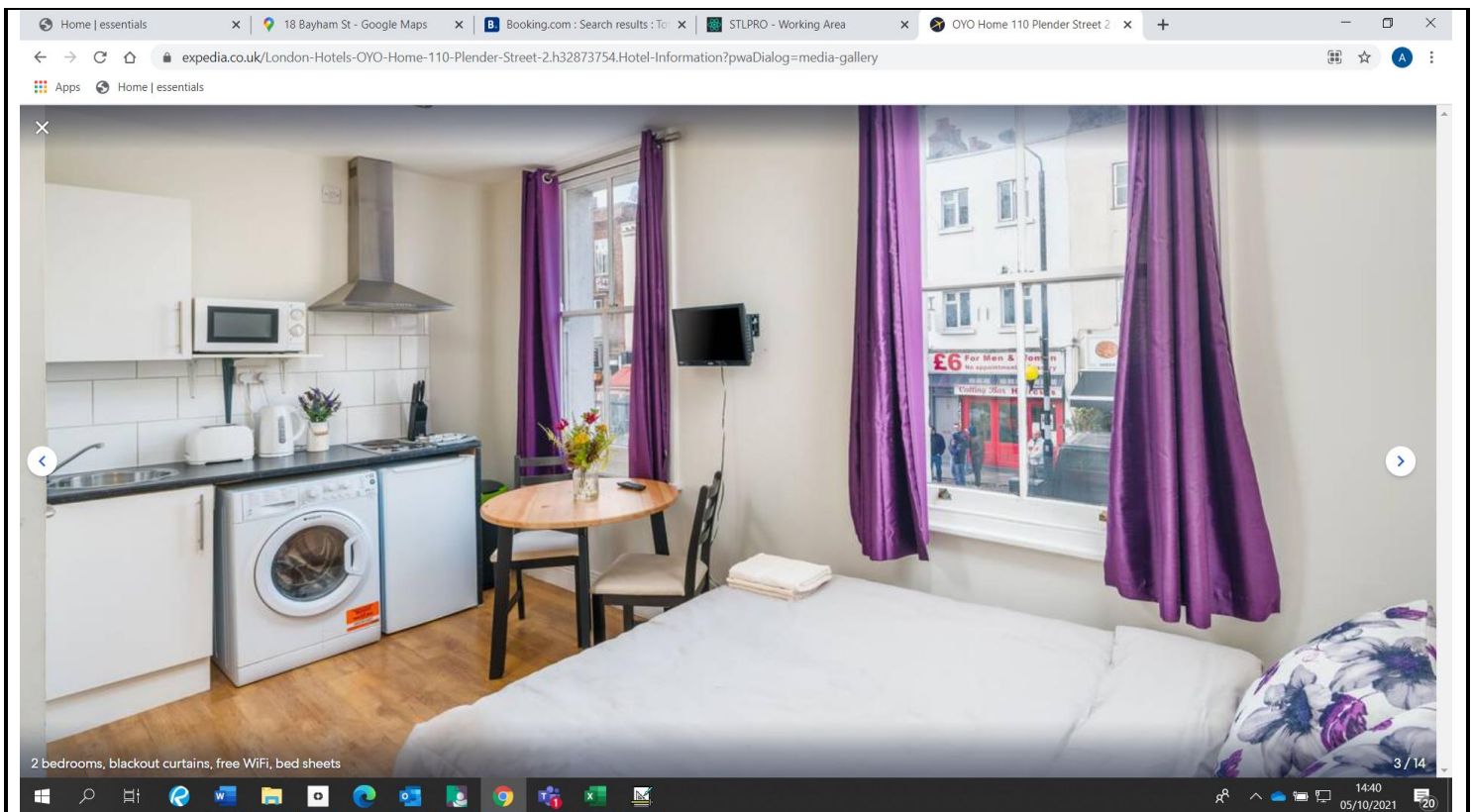
Camden Road train station is nearly a 10-minute walk away. Guests can reach Oyo Home Plender Street 1 by car from London City airport in 30 minutes.

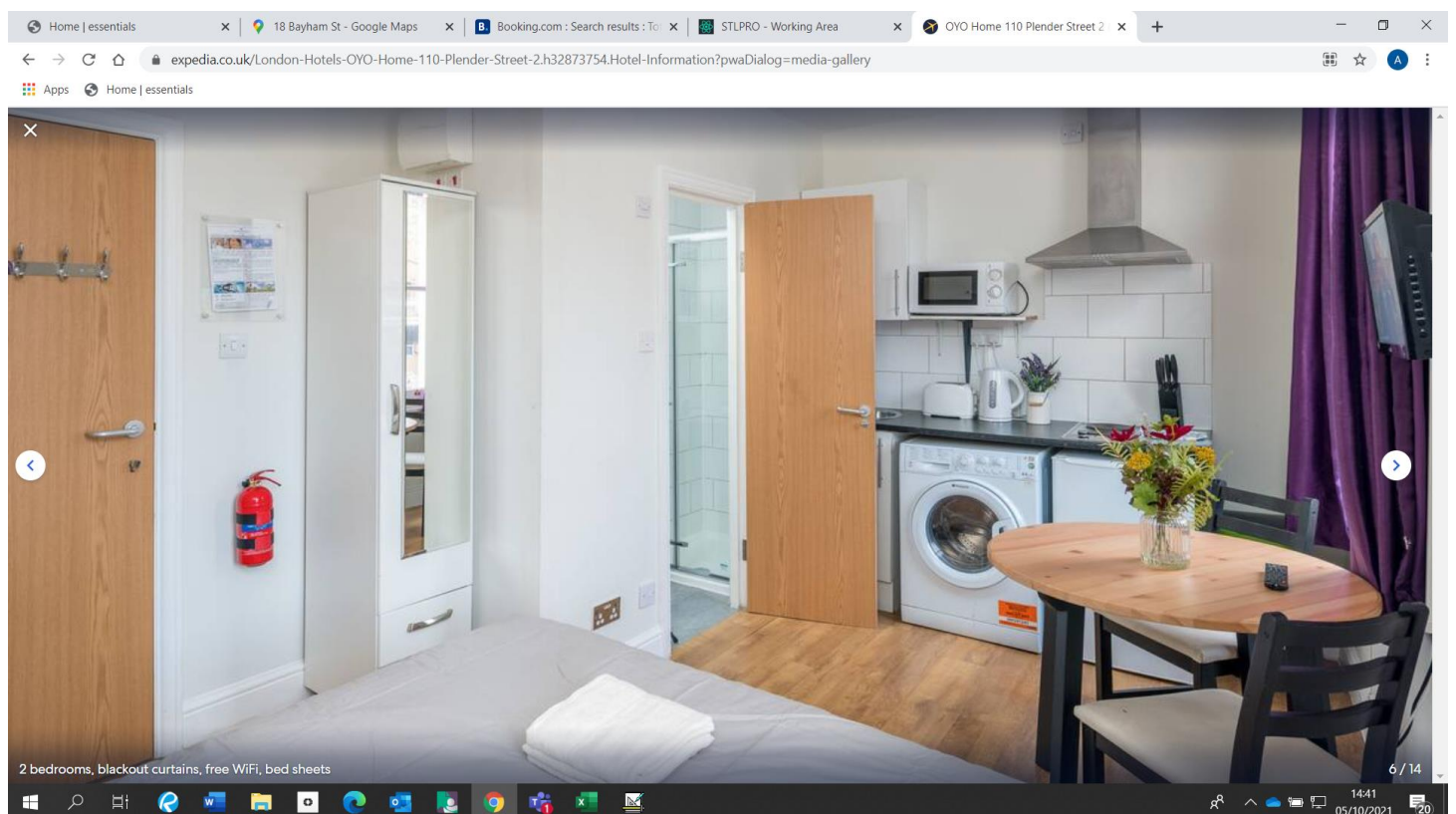
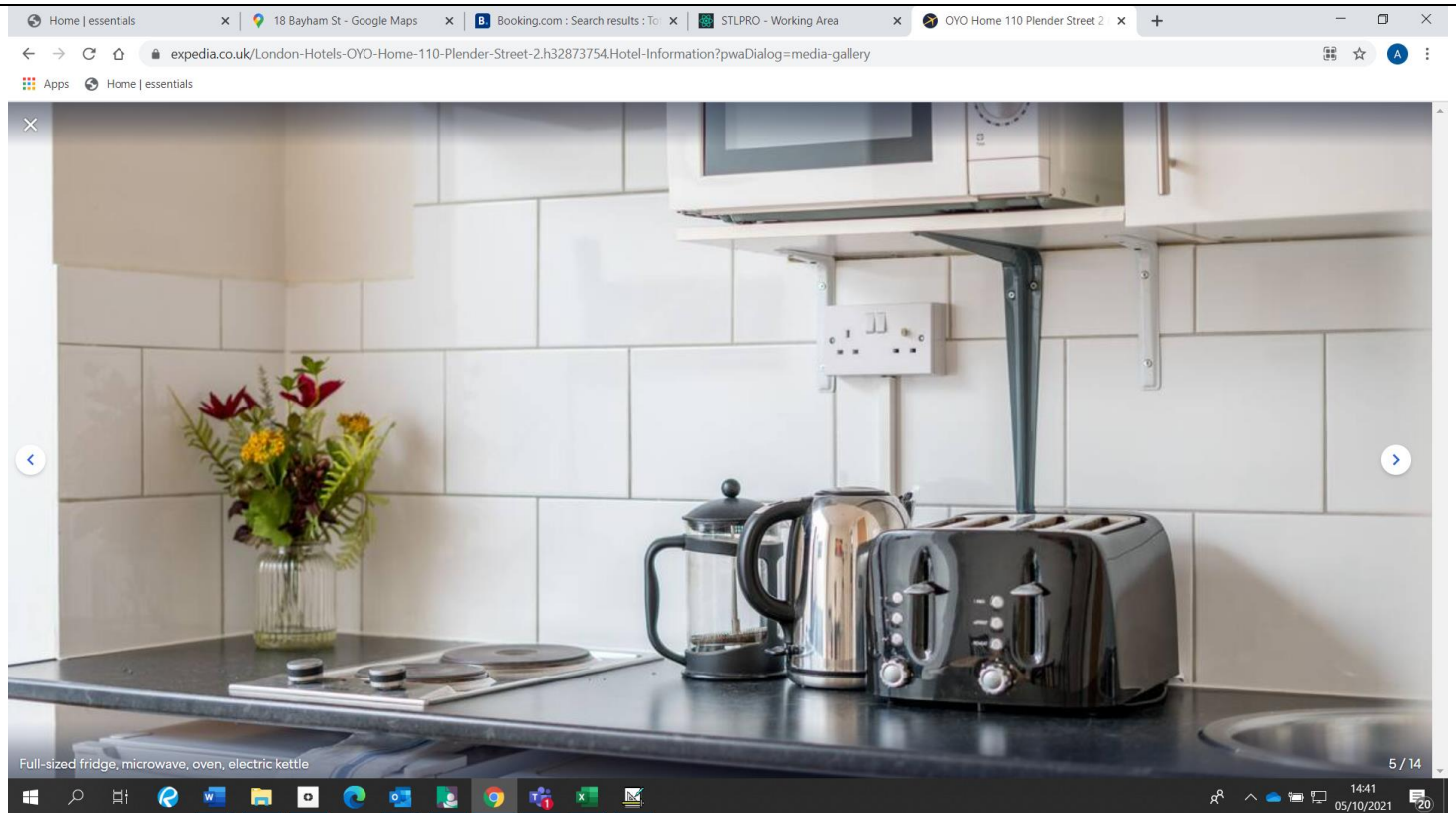
Eat & Drink

Alexander The Great and Karavas with assorted specialities are about 50 metres away.









<https://www.expedia.co.uk/London-Hotels-OYO-Home-110-Plender-Street-2.h32873754.Hotel-Information?pwaDialog=media-gallery>

About this area London

This apartment is located in Camden Town, a neighbourhood in London. Russell Square and Primrose Hill reflect the area's natural beauty and area attractions include Madame Tussauds Wax Museum and ZSL London Zoo. London Eye and Sky Garden are also worth visiting.

The Council is satisfied that the property is in full time holiday let use (temporary sleeping accommodation) being advertised under 4 x different websites.

A Planning Contravention Notice (PCN) was served on the 08/07/2021 on all those having a legal interest in the units. Whilst it is a criminal offence to fail to respond to a PCN the Council is yet to receive a response.

Relevant policies / GPDO Category

National Planning Policy Framework (2021)

The London Plan (2021): policies H8 and H9

Camden Local Plan (2017)

H1 Maximising housing supply
H3 Protecting existing homes
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development
A4 Noise and vibration
D1 Design
D2 Heritage

Camden Planning Guidance

CPG- Housing

Assessment

Issues: The development has resulted in the loss of residential accommodation on the first and second floor creating 4 studios in use as temporary sleeping accommodation. The studios all have their own bathroom and kitchen but share the same access door at street level. It appears that the units are rented separately and there are no shared facilities whilst under the same ownership.

Assessment:

Summary

The Council seeks to control the use of residential properties for temporary sleeping accommodation across the Borough for two main reasons. Firstly, the use of residential accommodation for short term letting goes beyond the scope permitted by law, reduces the stock of permanent housing available to people who wish to live in Camden. In a time of an acute housing shortage the Council cannot afford to lose private dwellings in this manner.

Secondly, the Council seeks to restrict short-term letting because holiday-makers and others staying properties for short periods are less likely to treat their holiday flat in a manner that has respect for the peace and privacy of other, permanent, residents who live within the vicinity, and therefore residential amenity is often diminished through noise and disturbance.

On balance, the evidence suggests that there has been a breach of planning control. In these circumstances it is recommended that an Enforcement Notice is issued.

The London Plan recognises the importance of maintaining London's housing stock. Supporting paragraph 4.9.3 of Policy H9 in particular specifically states:

The use of dwellings as short-term holiday rentals can have a detrimental impact on neighbours' residential amenity and community cohesion in the wider area where concentrated in a particular location. The use also reduces the supply of homes available for people to live in

The London Plan (H9) advises that given the level of need, existing housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. It states

‘Boroughs should take account of the impact on housing stock and local housing need when considering applications for a change of use from housing to short stay holiday rental accommodation to be used for more than 90 days a year’.

Policy H3 ‘Protecting Existing Homes’ in Camden’s Local Plan 2017 seeks to protect ‘housing from permanent conversion to short-stay accommodation intended for occupation for periods of less than 90 days’

By virtue of Section 25 of the Greater London Council (General Powers) Act 1973, the use as ‘temporary sleeping accommodation’ of any residential premises in Greater London involves a ‘material change of use’ for the purposes of the definition of ‘development’ which appears at Section 55 of the Town and Country Planning Act 1990 (as amended).

Temporary sleeping accommodation is defined by Section 25 of the Greater London Council (General Powers) Act 1973 (as amended) as follows:

“Use as sleeping accommodation which is occupied by the same person for less than 90 consecutive nights, and which is provided (with or without other services) for a consideration arising either by way of trade for money or money’s worth, or by reason of the employment of the occupant whether or not the relationship of landlord and tenant is thereby created”.

Extent of Use for Short-Term Letting Permitted by the Deregulation Act 2015

Prior to amendments to Section 25 of the Greater London Council (General Powers) Act brought in by Section 44 of the Deregulation Act 2015, the use of residential premises was not lawful (however intense or infrequent its occurrence within any particular ‘residential premises’) unless planning permission had been expressly granted for such use or unless a Lawful Development Certificate had been granted (i.e. on the basis that the use had been undertaken continuously for a sufficient period - 10 years – to acquire immunity from enforcement action

The amendments to Section 25 of the Greater London Council (General Powers) Act 1973 introduced Section 25A. Subsection (1) of Section 25A states that the use of residential accommodation within Greater London as ‘temporary sleeping accommodation’ does *not* involve a material change of use [and therefore does *not* require planning permission and is lawful] provided two Conditions are met.

The first of these two Conditions is set out in subsection (2)(a) and (b) of Section 25A, as follows:

‘The first is that the sum of –

(a)the number of nights of use as temporary sleeping accommodation, and

*(b)the number of nights (if any) of each previous use of the premises as temporary sleeping accommodation in the same calendar year **does not exceed ninety.***’

The second of these two Conditions is set out in subsection (3) (a) and (b) of Section 25A as follows:

‘The second is that, in respect of each night which falls to be counted under subsection (2)(a) -

(a)the person who provided the sleeping accommodation was liable to pay council tax under Part 1 of the Local Government Finance Act 1992 in respect of the premises, or

(b)where more than one person provided the sleeping accommodation for the night, at least one of those persons was liable to pay council tax under Part 1 of that Act in respect of the premises.

In this case, there has been a change of use of the building from one planning unit into temporary

sleeping accommodation comprising 4 studio units. These unauthorised units therefore do not benefit from the Section 25 of the Greater London Council (General Powers) Act 1973. The existing residential use would need to be lawful in order for section 25 to be applicable.

The property is being advertised on several website, namely, Oyo Home, expedia.co.uk, Bed&Breakfast.co.uk and UKhotels.com, which all indicate the provision of short term let accommodation. The property is clearly laid out and marketed as a full time professional short term let. There are no signs of personal items in the units nor evidence of residential use. In light of the above, it would appear that in all probability, the units are in full-time short- term holiday lets, and not in permanent residential use. Photos of the property also show that the building is laid out and marketed for full time STL use. A Planning Contravention Notice was sent to those with a legal interest in the property on the 08/07/2021 but a response has not been received

Amenity:

The site is located within a busy mixed commercial residential location; however, the access point is located in a predominantly residential street. The comings and goings to the property is likely to give rise to an associated increase in overall noise and disturbance, as visitors are more likely to come and go at different hours compared to permanent residents.

Recommendation:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring, the use of the first and second floor as temporary sleeping accommodation to cease and the first and second floor to be reinstated as one residential unit with the removal of three kitchens and bathrooms, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Without planning permission, the change of use of the first and second floor from one residential unit to 4 studios in use as temporary sleeping accommodation.

WHAT ARE YOU REQUIRED TO DO:

1. Cease the use of the first and second floor as four studios in temporary sleeping accommodation

PERIOD OF COMPLIANCE: 1 Month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

1. It appears to the Council that the above breach of planning control has occurred within 10 years
2. The unauthorised change of use has resulted in the unacceptable loss of permanent residential accommodation, which is contrary to policies H1 (Maximising housing supply), and H3 (Protecting existing homes), of the Camden Local Plan (2017).