

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/N5090/C/19/3234341

A. APPELLANT DETAILS

Name

Address



Preferred contact method

Email Post

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes No

Additional Appellant: Mrs. Samira Chaudhri
Appeal Reference: APP/N5090/C/19/3234342

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name



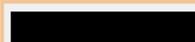
Company/Group Name



Address



Phone number



Email



Your reference



Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

London Borough of Barnet

LPA reference number (if applicable)

ENF/1756/18

Date of issue of enforcement notice

04/07/2019

Effective date of enforcement notice

09/08/2019

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

No



Does the appeal relate to an existing property?

Yes

No



Address

1 Hayes Crescent
LONDON
NW11 0DG

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

No



What is your/the appellant's interest in the land/building?

Owner



Tenant



Mortgagee



None of the above



E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No



(a) That planning permission should be granted for what is alleged in the notice.



The facts are set out in

the box below

The appeal proposal seeks planning permission for a 5 person small scale HMO. No external changes are proposed to the property. The property holds a 5 person HMO licence.

The Council state that the proposal would lead to a harmful increase in noise, congestion and disruption to residents. The appeal proposal is for no more than 5 unrelated people living a household, sharing facilities.

It is considered that had the Council not removed permitted development rights for HMO's via an article 4 direction planning permission would not be required for the appeal proposal.

The Council state that the appeal proposal would result in the loss of permanent dwelling units, however, it should be noted that there is no such permanent loss as permitted development rights still exist to allow a change from C4 small scale HMO (5 people) to C3 single family dwelling. It should be noted that Hayes road is varied in character with an offices building located immediately opposite the appeal site, commercial uses, a block of flats and properties converted into flats.

Neighbouring roads are also varied in character. It is considered that proposed use would not be harmful to the living conditions of neighbouring occupiers nor the character of the area and would be compliant with the provisions of Development Management Policy DM01.

The proposal is consistent with the provisions of the London Plan which seeks housing diversity and identifies HMO's as making a valid contribution to Housing stock.

The appeal site is in close proximity to local shopping facilities including Waitrose, M&S, Gails, Costa, Boots, Holland & Barrett, WH Smith to name a few as such the proposal would be consistent with the provisions of Development management Policy DM09

The LPA state that there is insufficient car parking for the occupants. It should be noted that 1 off street parking space currently exists with another space immediately outside on the road. There is sufficient capacity with the Road to accommodate any additional parking.

The appellant is also agreeable to the imposition of a planning condition that requires the provision of secure cycle parking.

There is a related planning appeal which should be conjoined with this enforcement appeal.

- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").
- (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
- (e) The notice was not properly served on everyone with an interest in the land.
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
- (g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

Please explain.

The Inspector will need to be satisfied that the use is taking place.

2. Hearing

3. Inquiry

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

a) the date of the relevant application 27/03/2019

b) the date of the LPA's decision (if any) 06/06/2019

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

the box below

There is a related planning appeal under reference APP/N5090/W/19/3234338 which should be conjoined with this enforcement appeal.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

Please give details, including our reference number(s), if known.

There is a related planning appeal under reference APP/N5090/W/19/3234338 which should be conjoined with this enforcement appeal.

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see 'Appeal Documents' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature 

Date 31/07/2019 15:44:37

Name 

On behalf of Mr Mohammed Iqbal Chaudhri

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: EnforcementNotice.pdf

Completed by

[REDACTED]

Date

31/07/2019 15:44:37