

APCAR SMITH PLANNING

Chartered Town Planning Consultants

ENFORCEMENT NOTICE APPEAL

36 SUNNINGFIELDS ROAD, LONDON, NW4 4EL

Appeal Under Ground (d)

The alleged breach of planning control as referred to on the Enforcement Notice is:

Without planning permission the conversion of the dwelling house into 3 self-contained units and 2 bedsitting rooms sharing facilities on the first floor.

The 3 self-contained units referred to are arranged 2 on the ground floor and 1 within the roof space (second floor). It is the bedsitting rooms with shared facilities that are on the first floor.

The appeal under Ground (d) relates solely to the 3 self-contained units. All 3 have been in existence and occupied as such for more than 4 years and therefore in accordance with Section 171B(2) of the Town and Country Planning Act 1990 (as amended) no enforcement action in connection with the flats can be taken.

A variety of evidence will be submitted in due course in connection with this ground of appeal, demonstrating that each of the flats has been in use, arising from a "change of use", for more than 4 years. This evidence is likely to include Assured Shorthold Tenancy Agreements, Statutory Declarations, proof of when the conversion was carried out, documentation from Agents/Agents and similar.

For the sake of clarity we can confirm that the appeal under Ground (d) does not relate to the first floor of the property. This is effectively a 2 room House in Multiple Occupation (HMO) which would need to have been in use as such for more than 10 years for it to have become lawful and immune from enforcement action. It is acknowledged that this HMO accommodation has not been in use for as long as 10 years. However we would cross-refer to the appeal under Ground (a) which relates to the HMO on the first floor and is relevant to be considered if this appeal under Ground (d) is successful.

Principal: Carolyn Aparcar BA Hons. MRTPI

Kinetic House, Theobald Street, Borehamwood, Hertfordshire WD6 4PJ

Tel: 020 8387 1387

E-mail: enquiries@apcarsmithplanning.co.uk

