



Appeal Decision

Site visit made on 22 July 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/X5210/W/25/3365405

Offices And Premises at Unit 5 Ground Floor, 37 Great Russell Street, Camden, London WC1B 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr H Maymon of Entire against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2025/0056/P.
 - The development proposed is change of use of office and storage ancillary area at rear of ground and lower ground floors currently as Class E into 1 No. short term let residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision was based on plans to convert the rear ground and lower ground floors into a self-contained short-term let comprising two double bedrooms. On the ground floor, a kitchen and living area would be provided, with two bedrooms and a family bathroom on the lower ground floor, connected by a private staircase. The existing plans note that both floors currently fall within Class E use.
3. During my site visit, I observed that the ground floor unit had been converted and furnished as a separate residential unit with its own kitchen and bathroom. The basement did not appear to have been converted or furnished to the same standard. Most importantly, the existing ground floor layout did not accord with the proposed plans. For clarity, my assessment has been based solely on the plans submitted to and determined by the Council.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the occupants of 37 Great Russell Street, with particular regard to noise and disturbance;
 - whether a legal agreement to secure a management plan for the short-term let accommodation is required; and,
 - whether a legal agreement to secure car-free housing is required.

Reasons

Living conditions

5. Despite what I observed during my site visit, the Council note that the existing permitted use of the basement, ground, first and second floors consist of Class E commercial floor space. The third floor is host to two, one-bedroom residential units. However, I am mindful that in following the planning history of the host building, there are several extant planning consents to create additional residential units within this building.
6. The proposed development would result in a transient behaviour of use. Guests would come and go from it at various times of the day. In a city with an abundance of nighttime entertainment available, this would generate comings and goings late into the evening. It would also often create higher levels of noise. By nature of its proposal of a short term let, there would be a high turnover and inconsistent pattern of people, who would namely be visitors to the city, which would exhibit their own behaviours, some of which may be detrimental to the living conditions of nearby permanent residents. These groups would not have long term community ties and therefore, are not likely to show the same level of courtesy, or be aware that permanent residents are located within the host building.
7. I have had regard to the layout of 37 Great Russell Street and the uses found within that building in its existing form. The short-term let would be confined to the ground and lower-ground floors, below the existing commercial space located on the first and second floors, whilst the private dwellings are located on the third floor. This vertical separation would somewhat offer a buffer to the third-floor residents from noise. The guests of the proposed development would have no reason to access upper levels. The proposal would also be limited to a two-bedroom unit and would therefore host a small number of guests. Collectively, these elements would somewhat play a small role in limiting the effect that noise could have on the residents located in the units on the third floor of 37 Great Russell Street. Nevertheless, I am cognisant that these internal arrangements alone would not be satisfactory in protecting the living conditions of existing neighbouring occupants.
8. The appeal is accompanied by a short term let management plan. This document sets out how noise and disturbance would be controlled, the house rules for guests, guest identification and maximum occupancy enforcement, amongst other things. The details within this management plan are extensive. The use of such documents are important in the management of short-term let properties where they are operated in accordance with these details. The appellant suggests that a planning condition requiring adherence to the submitted management plan. I will address this securing mechanism under the main issue below.
9. To conclude, I find that subject to the provision of an appropriate short term let management plan, which is secured by an appropriate mechanism, the proposed development would not conflict with Policy A1 of the Camden Local Plan 2017 (CLP) or the guidance contained within the Camden Planning Guidance: Amenity 2021 (CPG). This policy seeks to protect the amenities of communities, occupiers and neighbours from noise, amongst other matters. Of note, it states that where necessary, mitigation measures will be required. The guidance within the CPG notes that in mitigating noise impacts, matters such as the location of noise sensitive areas

and the position of non-residential uses closer to noise sources should be considered.

Legal agreement

10. Policy DM1 of the CLP allows for contributions to be made and obligations formed by a developer to mitigate the impact of a development. Planning obligations can assist in contributing to the success of a development and achieving the aims of the CLP. The CLP notes that planning obligations will only be sought where it is not possible to deal with the matter through the imposition of an appropriately worded planning condition.
11. The appeal is accompanied by a draft Section 106 agreement which places an obligation on the owner with regard to car free housing. Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the National Planning Policy Framework (the Framework) set out that obligations must only be sought where they meet all of the relevant tests. I have determined whether a planning obligation is necessary and whether the contributions requested by the Council meet all of these tests.

Short Term Let Management Plan

12. As concluded in the first main issue, a robust management plan is required to ensure that the living conditions of neighbouring occupants are protected. The appellant contends that a planning condition could be imposed to require the use of the property to operate in accordance with the management plan submitted with this appeal. As such, this is not reflected in the draft obligation which has been submitted with this appeal.
13. The Framework notes that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In my assessment of the management plan submitted with this appeal, there are a large number of matters contained within it which place a notable responsibility on the operator. The appellant does not provide a convincing explanation as to why a planning condition should be utilised on this matter, rather than a planning obligation. Due to the number of responsibilities suggested and the frequency of which they would be required to be actioned, I am not convinced that a condition alone would secure all of these management processes and ensure that they are routinely undertaken. Furthermore, the Framework also notes that planning obligations run with the land. They are legally binding and enforceable. It follows that if the appeal property was sold, this mechanism would ensure that any future owner remains clearly bound to the management responsibilities.
14. Collectively, for these reasons, I am satisfied that a planning obligation is the appropriate mechanism to enable the delivery of a relevant and robust management plan. With that in mind, and in following the tests set out in Regulation 122 and the Framework, I find that a management plan which is secured by a planning obligation would be proportionate, necessary and fairly and reasonably related in scale and kind to the development. By its absence from the draft planning obligation provided, the proposed development would conflict with Policy A1 of the CLP as it would fail to protect the amenities of neighbouring occupants.

Car Free Housing

15. New development such as that proposed in this appeal can contribute to parking stress and traffic congestion. The appellant contends that the proposal is for short term let accommodation and therefore, such accommodation does not have a right of access to resident car parking permits and therefore there is no requirement to enter into a legal agreement. However, without a legal agreement, the owner of the premises may apply for a parking permit which is then distributed to short term occupants. Thus, in this event, parking stress and traffic congestion would occur.
16. Policy T2 of the CLP states that all new development must be car-free. It expressly prohibits the issue of parking permits in connection with these developments and will use legal agreements to inform any future occupier that they are not entitled to parking permits. This is regardless of whether they are long-term residents or short-term tenants. Traffic Management Orders are used by the Council to regulate on-street parking. Under these Orders, the Council may refuse residential parking permits for any property subject to a car-free obligation secured by a Section 106 agreement.
17. The draft obligation notes that prior to occupying any part of the development, each new occupant will be informed that they shall not be entitled to be granted a business parking permit. They would not be able to buy a contract to park within any car park owned, controlled or licensed by the Council. They would not be able to occupy or use any unit of the development at any time during which the occupier holds a business parking permit unless the occupier is the holder of a disabled persons badge.
18. Having weighed the foregoing considerations together, I conclude that imposing a car-free obligation is proportionate, necessary, and directly related in scale and kind to the proposed development. This obligation would ensure that this development would be car free. It would thereby satisfying Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework. As such, it would align with Policies DM1 or T2 of the CLP.

Summary

19. I therefore find that the provision of such an obligation would be necessary, related directly to the development and fairly related in scale and kind. It would therefore accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. The absence of such a provision within the obligation would conflict with Policy A1 of the CLP with regard to the short-term management plan.
20. However, I also have concerns regard the completeness and thus the execution of the obligation. It is not signed nor dated, and the plans referenced in Schedule 1 are omitted. These omissions undermine its effectiveness and mean it fails to secure the car-free mitigation necessary to render the development acceptable in planning terms. Therefore, this procedural defect provides an additional reason to dismiss the appeal.
21. I am cognisant that during the appeal, the Council stated that they would provide the appellant with a draft obligation and that an update would be provided during the final comments stage as to whether an agreement has been reached. However, a

finalised agreement has not been provided. It is the responsibility of the parties to ensure that an obligation is provided and complete.

22. The Planning Inspectorate Procedural Guide: Planning appeals – England (updated 30 June 2025) is abundantly clear on this matter in chapter 18. It states that if an appeal is following the written representations procedure, the appellant must ensure that an executed and certified copy of this obligation is provided at the time of making their appeal. Furthermore, the procedural guide also makes it clear that a decision should not be delayed to await a revised obligation unless very exceptional circumstances exist. No such circumstances have been demonstrated in this case.
23. In light of the above, the draft obligation is deficient in two critical respects. It is absent of a short term let management obligation. It would therefore conflict with Policy A1 of the CLP. It is also unsigned, not dated and incomplete. This therefore undermines the legal enforceability of the document which would fail to secure the car free obligation. Consequently, it would not satisfy Policy T2 of the CLP. In the absence of a legally enforceable obligation to secure both the short-term let management plan and the car-free requirement, the proposal conflicts with Policies DM1, A1 and T2 of the CLP, for the reasons outlined above.

Other Matters

24. The appeal site lies within the Bloomsbury Conservation Area. Although no concerns were raised with regard to the effect of the development on the conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Due to the limited external changes associated with the development proposed, I find that the proposal would preserve the character and appearance of the Bloomsbury Conservation Area.

Conclusion

25. While I have identified no harm to the living conditions of neighbouring occupants, that finding was dependent on an adequate mechanism to secure an appropriate management plan. The obligation before me is incomplete and crucially, does not seek to include any such plan. Consequently, the proposed development would conflict with the development plan when read as a whole, and no material considerations, including the Framework, outweigh this conflict. I therefore conclude that the appeal must be dismissed.

J Smith

INSPECTOR