



Appeal Decision

Site visit made on 11 September 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/X5210/W/25/3367508

267 Eversholt Street, Camden, London NW1 1BA

- 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 Yaman (Yard Spin Ltd) against the decision of the Council of the London Borough of Camden.
- The application Ref is 2025/1523/P.
- The development proposed is change of use of basement and the rear part of the ground floor from Class E into short-term letting accommodation (5 units).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr H Yaman (Yard Spin Ltd) against the Council of the London Borough of Camden. This is the subject of a separate decision.

Preliminary Matters

3. A new local plan for Camden is emerging (the Emerging Plan). The evidence I have in relation to the Emerging Plan is quite limited, but that which is before me indicates to me that a submission draft was consulted upon earlier this year, and the Council are targeting adoption in 2026. However, there is no evidence before me which suggests that examination hearings have commenced. Consequently, I find that the Emerging Plan is not at an advanced stage, and the content of it could be the subject of change, potentially markedly. As a result, the Emerging Plan is a matter of limited weight in my decision.
4. The appellant's submissions include a management plan¹ which was not before the Council when it made its decision. The management plan proposes a range of measures aimed at controlling and mitigating the effects the proposed development may have in relation to the likes of noise, disturbance and waste generation. However, the content of the management plan does not substantially or fundamentally alter the proposed development. The management plan accompanied the appellant's appeal statement, and the Council have had the opportunity to comment on it. Through the Council's notification processes during the appeal, third parties have also been given the opportunity to submit comments on the appellant's submissions. In the circumstances, I am satisfied that it is procedurally fair to accept the management plan submission, and I have had regard to it in reaching my decision.

¹ Short-Term Let Management Plan 267 Eversholt Street, London NW1 1BA

5. The appeal site is situated within the Camden Town Conservation Area. As a result, in making my decision, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

6. The main issues are:

- Whether the appeal site provides a suitable location for the development proposed, having particular regard to relevant development plan policy which concerns tourism development and visitor accommodation;
- The effects of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to the levels of noise, disturbance and activity which would arise from it; and
- Whether the proposed development would be secured as a car-free development and the implications of this on parking.

Reasons

Location

7. The appeal site is near to, but outside of, Camden Town Centre. The appeal site forms part of a terrace on the western side of Eversholt Street. The terrace's ground floor units are dominated by commercial uses. I do not have very detailed information before me on the use of other floors within the terrace. However, based on the evidence which is before me, and my own observations on site, I expect many are in residential use. The evidence before me also indicates that flatted accommodation is a lawful use within 267 Eversholt Street's (No 267) composition of uses.
8. Policy E3 of the Camden Local Plan (the CLP) is entitled 'Tourism'. The Policy consistently refers to the term 'tourism development' and the term 'visitor accommodation'. Neither the Policy nor its supporting text explicitly defines these terms, however, the consistent reference to the two separate terms strongly indicates to me that the Policy is making a distinction between them as forms of development.
9. Furthermore, criterion 'c' of Policy E3 uses only the term 'tourism development'. In explaining where such development is considered acceptable beyond Central London and town centres, there is a notable resonance between its content and that at paragraph 5.58 of the supporting text, which refers to 'tourist attractions'. The examples of 'tourist attractions' provided at paragraph 5.58 are museums. Examples of visitor accommodation are provided at paragraph 5.57. This persuades me further that Policy E3 is making a distinction between what constitutes 'tourism development' and what constitutes 'visitor accommodation'. The latter clearly means forms of sleeping/overnight accommodation, and I find that the former means the tourism attractions themselves which receive visits.
10. Consequently, criterion 'c' does not permit visitor accommodation beyond Camden Town Centre, even where it would have a local or specialist focus and would attract limited numbers of visitors from outside the borough. The criterion is permissive of the tourist attractions themselves only. Since the proposed development would not

be located within a town centre, nor comprise of large-scale visitor accommodation within Central London, criteria 'a' and 'b' are also not complied with.

11. Paragraph 5.59 of Policy E3's supporting text sets out that existing visitor accommodation in appropriate locations should be protected, and this may include accommodation outside of Central London, growth areas and town centres. Since this clearly relates to existing visitor accommodation, its content is not supportive of new visitor accommodation outside of these areas.
12. I accept that the appeal site is within a highly accessible location. Therefore, criterion 'f' of Policy E3 is complied with, and these accessibility credentials also mean that a number of tourist attractions could be conveniently reached from the appeal site. However, in proposing small-scale visitor accommodation in a location outside of a town centre, the appeal is proposing a form of visitor accommodation development that is contrary to the planned distribution of such development advocated by criteria 'a' and 'b' of Policy E3. In turn, the proposal would result in visitor accommodation spreading out into a location beyond the town centre, contributing to unbalancing the mix of uses in the area which criterion 'h' seeks to prevent.
13. For these reasons, the proposal conflicts with Policy E3 overall, as it opposes the Policy's approach to the distribution of visitor accommodation. The National Planning Policy Framework (the Framework) sets out that planning policies should recognise and address the locational requirements of different sectors and that they should define town centres and make clear the types of uses which should be permitted within them. In this context, I find that CLP Policy E3 is consistent with the content of the Framework. Therefore, the proposal's conflict with Policy E3 is a matter of significant weight in my decision.
14. The appellant places emphasis upon Policies TC2 of the CLP and Policy E10 of the London Plan 2021. However, only selected extracts of these Policies are before me. In the absence of the whole Policies, I cannot conclude that the proposal complies with them. The appellant also cites a shortfall in visitor accommodation. However, the evidence that this is a shortfall in the type of accommodation proposed is not very compelling and, regardless, none of these matters alter that I have identified conflict with CLP Policy E3 for the reasons I have given.
15. Policy IE5 of the Emerging Plan, which concerns hotels and visitor accommodation, is before me. I have already set out that the Emerging Plan is a matter of limited weight in my decision. Regardless, like CLP Policy E3, IE5 advocates that small-scale visitor accommodation be located within town centre locations. Therefore, the proposal conflicts with Policy IE5 of the Emerging Plan.
16. The appellant refers to planning permissions for hotels at Regent's Park Road and at Charlton Road. However, the details I have before me on these developments, and the precise circumstances which led to their approval, are quite limited. It is clear that the scale of the hotels proposed in those cases is quite markedly different to the small-scale accommodation in the appeal before me. In that sense, the schemes are not very comparable. Regardless, I must consider the appeal proposal on its own merits, interpreting and applying relevant policies in a manner I consider to be correct based upon the evidence before me and my own experience. Even if CLP Policy E3 was applied differently in relation to Regent's Park Road and Charlton Road, I have set out my reasoning on how I consider it should be applied

in this case and why there would be conflict with it. Therefore, the cited hotel developments are a matter of limited weight in my decision.

17. Therefore, I conclude that the appeal site does not provide a suitable location for the development proposed, with the proposal conflicting with Policy E3 of the CLP which concerns tourism development and visitor accommodation.

Living conditions

18. Despite No 267 containing residential flats, and my expectation that there are other residential properties nearby, due to the number of commercial units in the area and the proximity to Camden Town Centre and Mornington Crescent Station, the immediate environs of the appeal site exhibit a busy and vibrant character. Given the quantum of comings and goings which will take place in the area, and how heavily trafficked Eversholt Street will be by a range of highway users, I expect the existing background noise levels in the vicinity of the appeal site to be quite high.
19. I have limited detail before me on the likely durations of the short-term lets proposed and whether these durations would be consistent or would be likely to vary. Neither is there a mechanism before me which would serve to control this. However, I accept that the short-term lettings would be likely to bring with them a high occupant turnover. Frequent visits by the likes of cleaners would also be necessary.
20. However, the proposed short-term let units would benefit from a dedicated access from Eversholt Street: via the steps from street level to the basement. Other flatted accommodation within No 267 would be served by separate access arrangements. These separate arrangements would assist in limiting the effects of the comings and goings which would take place as a result of the proposal, ensuring that they would not take place in areas shared with the flats such as communal staircases. Furthermore, some of the units proposed would not be directly beneath any flatted accommodation: proposed units 1 and 2 would be beneath a combination of proposed unit 5 and the Use Class E commercial unit. Therefore, the layout of the property would be such that much of the short-term let accommodation proposed would be physically and functionally well-separated from some of the residential flats nearby. Furthermore, although no particular soundproofing measures have been proposed, I have no substantive evidence before me which leads me to the conclusion that there are any particular deficiencies with the noise absorption or isolation qualities of the existing building.
21. Had I been minded to allow the appeal, I could have imposed a condition which would enable the submitted management plan to be revised, refined and improved so that it included a robust set of enforceable management measures. This would further assist in mitigating the effects of the proposed development.
22. Therefore, taken together, the prevailing character of the area and the existing noise climate, the layout of the proposed development, and the mitigation which a management plan could provide, are all factors which would serve to assist with the proposal's assimilation into the area. Overall, I find that the effects of the proposal upon the living conditions of local residents would be limited and would not be harmful.
23. In coming to these views, I note the representation made by a local resident which sets out that there is other short-term letting accommodation near to their property.

However, I have very limited information on the precise location of this and of the layout of the accommodation. In the circumstances, and my references to the factors which assist in limiting the effects of the proposal, I have no firm grounds on which to conclude that any unacceptable cumulative effects would arise. I also have no compelling evidence before me that the proposed development would create a demonstrable fear of crime such that it would undermine community cohesion.

24. I have also had regard to the appeal decision before me which related to 26-28 Whitfield Street². However, not all of the evidence which will have been before the Inspector in that case is before me, including the plans. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons, whilst I have had regard to it, the cited appeal decision is a matter of limited weight in my decision.
25. Therefore, I find that the effects of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to the levels of noise, disturbance and activity which would arise from it, would be acceptable. Consequently, the proposal is compliant with Policies A1 and A4 of the CLP. In summary, Policy A1 sets out that planning permission will be granted for development proposals unless unacceptable effects upon amenity would result, requiring mitigation where necessary. Policy A4 seeks to ensure that noise and vibration is controlled and managed, and it sets out that noise generating development should not harm amenity.
26. Finally, although the Council refer to Policy H3 of the CLP, it is not cited within its reason for refusal nor has a full copy of the Policy been supplied. Therefore, it is not very clear to me whether the Council's objections to the proposal in the light of this Policy's content is very strong. Moreover, in its absence, I cannot make an accurate assessment against Policy H3, and I cannot come to the conclusion that the proposal conflicts with it.

Car-free development

27. Policy T2 of the CLP relates to parking and car-free development. It sets out that all new developments are required to be car-free with on-site parking limited to disabled parking and certain essential operational or servicing needs. Policy T2 also sets out that on-street or on-site parking permits in connection with new developments will not be issued and that legal agreements will be used to ensure that future occupants will be aware that they are not entitled to parking permits.
28. Camden's supplementary planning document 'Transport, January 2021' (the SPD), which includes a dedicated section on parking and car-free development, assists with the interpretation and application of CLP Policy T2. It guides that, in order to maintain a car-free development over the lifetime of a scheme, the entering into of a legal agreement is required: a planning obligation under Section 106 of the Town and Country Planning Act 1990 (a S106 agreement).

² Appeal Decision Ref APP/X5210/C/23/3331656

29. Given the content of CLP Policy T2, and the guidance provided by the SPD, in order to comply with Policy T2, I find that any car-free development proposed requires securing as such via a S106 agreement.
30. It will be the relevant Traffic Management Order (TMO) covering the area which will specify which properties, streets or areas are eligible to apply for parking permits. The Council has set out to me that the wording of the TMO is such that the power to refuse to issue parking permits is linked to whether a property has entered into a legal obligation. A S106 agreement would constitute this legal obligation. It would enable the TMO to be amended so that the short-term let units proposed would be ineligible for parking permits. I find that the S106 agreement, and the subsequent appropriate amendment to the TMO, would robustly ensure that the short-term letting accommodation proposed would be ineligible for parking permits.
31. In contrast, I am not confident that the parking permit application process itself would prevent the occupiers of the proposed accommodation from obtaining parking permits. The parking permit application process would not result in an amendment being made to the TMO. Consequently, the accommodation proposed would not be identified by the TMO as being ineligible for parking permits.
32. In addition, given I have only snippets of the parking permit application process before me rather than its full details, I cannot be very confident on the precise operation of any of its embedded restrictions, such as the requirement of an applicant to be a Camden resident, aged over 16, who lives in the property for 5 nights per week. The evidence I have before me is not sufficient to demonstrate to me that some of the prospective occupants of the development proposed would not meet the parking permit application process requirements and thereby be able to obtain a parking permit. The parking permit application process could also be subject to change and any embedded restrictions within it could become more relaxed.
33. Therefore, I am not satisfied that reliance upon the parking permit application process would ensure that the proposed development would constitute a car-free development. Since the proposal would not be secured as being car-free, parking permits could be obtained by prospective occupants which would, in turn, result in an increase in demand for on-street parking and an increase in parking stress within the area which would be harmful and unacceptable in highway safety terms.
34. Had a S106 agreement been completed, the appropriate mechanism would have been in place to ensure parking permits could not be obtained, and no increase in parking stress would arise as a result of the proposed development. A S106 agreement is therefore necessary to make the development proposed acceptable in these parking related terms. Since such a S106 agreement would prohibit only the accommodation which would arise from the proposed development from being issued with parking permits, it would be directly related to the appeal scheme and fairly and reasonably related to it in scale and in kind. Therefore, an appropriately drafted and completed S106 agreement would meet the tests for planning obligations set out at paragraph 58 of the Framework and Regulation 122 of the CIL Regulations.
35. In the absence of such a S106 agreement, the proposed development would not be secured as a car-free development and the harmful implications I have described in

relation to parking would result. For these reasons, the proposal conflicts with CLP Policy T2.

Other Matters

36. Camden Town Conservation Area (the CA) exhibits character areas. One character area contains a diverse mix of commercial uses and a variety of architecture. The other character area is dominated by residential properties and here the architecture is more homogenous. Therefore, the significance of the CA as a whole principally stems from its architectural interest, but also from its historic interest given the evidence it provides on the historical development of both commercial and housing areas within London.
37. The proposal would result in no external alterations to No 267. Therefore, the architecture of the property would be unaffected by the proposed development. A change of use of accommodation within No 267 would result, but in the context of the CA as a whole, this would constitute only a modest change to the character of the area. Furthermore, the appeal site is located at a transition point within the CA where the CA's commercial area gives way to the residential one. Upon completion of the proposed development, No 267 would exhibit commercial and residential characteristics which would be sympathetic to the CA given the particular part of the CA the appeal site is within. For these reasons, no harm to the significance of the CA would result from the proposed development, and the character and appearance of the CA as a whole would be preserved.
38. The proposal would result in some modest economic benefits including through the support of local services. However, these benefits would be modest, and they would not be sufficient to outweigh the harms I have identified in my first and third main issues.
39. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of servicing the development proposed whilst the proposal may also not result in any unacceptable waste generation. However, an absence of harm in respect of these matters is a neutral factor in my decision and, again, it does not outweigh the harm that I have identified in some of my main issues.

Conclusion

40. In my second main issue, which relates to the living conditions of neighbouring occupiers, I have identified that the proposal would not result in harm and that it complies with certain development plan policies as a result. However, in my remaining main issues I have identified conflict with development plan policies and, overall, I find that the proposal conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR