

Appeal Decision

Site Visit made on 6 January 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th May 2026

Appeal Ref: APP/X5210/C/24/3341848

54 Eversholt Street, LONDON, NW1 1DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Claude Pini against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 20 February 2024.
 - The breach of planning control as alleged in the notice is, without planning permission: the material change of the ground floor commercial unit from Class E (Commercial, business and service) to Class C3 (Dwellinghouse) and the replacement of an existing shopfront.
 - The requirements of the notice are to: cease the use of the ground floor for residential (C3) purposes and reinstate the lawful commercial use (Class E).
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by:
 - the deletion of the words, “and reinstate the lawful commercial use (Class E)” from Section 5(1) of the notice; and,
 - the deletion of the words “THREE (3) months” within section 5 of the notice and their substitution with the words “EIGHT (8) months” as the time for compliance.
2. Subject to the variations the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice

3. Whilst there is no appeal on ground (f), it is incumbent to get the notice in order, having regard to the powers afforded to me under section 176(1) of the Act. The notice requires the cessation of the residential use of the ground floor and the reinstatement of the lawful commercial use. However, the requirement to reinstate the lawful commercial use is excessive, as it goes beyond what is necessary to remedy the breach of planning control or the injury to amenity caused by the breach. There is no scope for a notice to positively require reversion to the last lawful use. As a result, I will vary the notice to delete that part of the requirement and am satisfied I can do so without injustice to the appellant or the LPA.

Appeal on ground (a)

Preliminary Matters and Main Issues

4. An appeal on ground (a) is brought on the basis that, in respect of any breach of planning control constituted by the matters stated in the notice, that planning permission ought to be granted. Since an appeal on ground (a) has been duly brought, an application for planning permission is deemed to have been made.
5. Given the notice in effect underenforces by not requiring the removal of the replacement shop front, the appellant has confirmed that the ground (a) appeal and the deemed application proceed only in relation to the material change of use part of the breach of planning control. I have determined the ground (a) appeal accordingly.
6. On that basis, the main issues are:
 - the effect of the material change of use of the ground floor to a dwellinghouse on the success and vibrancy of the Eversholt Street South Neighbourhood Centre; and,
 - the effect of the material change of use of the ground floor to a dwellinghouse on highway safety and sustainable transport modes.

Reasons

Neighbourhood Centre

7. The Land lies within the Eversholt Street South Neighbourhood Centre. Policy TC1 of the Camden Local Plan 2017 (the LP) states that the LPA will promote the distribution of retail and other town centre uses across the borough, including in neighbourhood centres, not just designated town centres or local shopping areas as the appellant states. The Land lies within the Eversholt Street South Neighbourhood Centre.
8. Policy TC2 of the LP seeks to promote successful and vibrant centres throughout the borough by, inter alia, providing for and maintaining a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. Appendix 4 of the LP sets out that, in the Neighbourhood Centre, a minimum of 50% of each individual frontage should be in retail use. Appendix 4 also states that, as a guide, the Council will resist schemes that result in less than 50% of ground floor premises being in retail use, or more than three consecutive premises being in non-retail use.
9. Prior to the breach taking place the ground floor of the premises was in use as a café. The LPA argue that the loss of the café and its replacement with a residential use has broken the retail frontage and resulted in a loss of cohesion at ground floor level to the detriment of the Neighbourhood Centre.
10. The appellant states that the conversion of the unit to residential use does not impact on the economic viability of the area. However, there is no evidence before me regarding the number of units in the frontage or indeed the Neighbourhood Centre which are in non-retail or associated commercial use. I was able to see from my site visit that this part of Eversholt Street is predominately commercial premises which are largely operating and in use. As such, whilst in itself, the use

of the Land for residential at ground floor does not result in less than 50% of ground floor premises being in retail use or, result in more than three consecutive premises being in non-retail use, the breach will undermine and begin to erode the vibrancy of the Neighbourhood Centre through incremental loss of its retail and commercial function. In the absence of substantive evidence to the contrary, I find that the development will fail to promote the distribution of retail and other town centre uses across the borough, including in neighbourhood centres and fail to promote successful and vibrant centres throughout the borough.

11. I conclude, therefore, that the material change of use of the ground floor to a dwellinghouse will have a harmful effect on the success and vibrancy of the Eversholt Street South Neighbourhood Centre, in conflict with LP Policies TC1 and TC2.

Highway Safety

12. LP Policy T1 states that the LPA will seek to promote sustainable transport whilst Policy T2 states that the LPA will require all new developments in the borough to be car-free, noting that it will not issue on-street parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits. LP Policy AM1 seeks to resist development that fails to adequately assess and address transport impacts affecting the existing transport network.
13. The appellant argues that the development is car-free. However, no signed or completed planning obligation under section 106 of the Act has been put to me which ensures existing or future occupiers of the residential use are car-free. The appellant argues that it could be car-free through the imposition of a condition. However, no suggested wording of such a condition has been put forward. In the absence of such suggested wording, I cannot be satisfied that such a condition would meet the relevant tests of necessity, reasonableness or enforceability.
14. In the absence of planning obligation or suitably worded condition, the development would not be car-free. The appellant argues that the Land is located in a controlled parking zone and has a PTAL rating of 6b. However, whilst those factors may reduce the likelihood of car ownership by existing or future occupiers, they would not negate it entirely, as required by LP Policy T2.
15. Consequently, I find that the development will result in pressure for on-street parking, resulting in congestion to the detriment of highway safety and would fail to promote sustainable modes of transport. To that end, it will conflict with LP Policies T1, T2 and AM1.

Other Matters

16. I note that the development will have benefits in terms of the quality of accommodation and the provision of one additional new home, in line with LP Policy H1, London Plan Policy H1 and the National Planning Policy Framework which seek to significantly increase the supply of housing. However, I find that such benefits, whilst important, do not outweigh the harm which arises to the neighbourhood centre or in terms of transport impacts as identified above.

Conclusion

17. The development conflicts with the development plan as a whole and there are no other considerations which lead me to conclude other than in accordance with the development plan. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Appeal on ground (g)

18. An appeal on ground (g) is brought on the basis that the time for compliance falls short of what should reasonable be allowed.
19. The notice, as varied, gives a period of three months for cessation of the residential use. The appellant argues that, since the property is occupied by a tenant on a tenancy agreement, a period of eight months is necessary to allow time for the tenant to make alternative living arrangements.
20. The LPA, whilst noting it would be useful to have the tenancy agreement in question, does not object to the extension of the compliance period. It seems to me a period of eight months would reasonably afford any person currently living in the property sufficient time to make arrangements to find alternative accommodation.
21. The appeal on ground (g) succeeds.

Human Rights

22. The loss of a person's home would be an infringement of their rights under the Human Rights Act 1998 (HRA). The cessation of the use of the property for residential purposes would amount to interference and would engage the right for respect for private and family life, home and correspondence set out in Article 8 of the HRA for any person currently residing on the Land. This is a qualified right, whereby interference may be justified if in the public interest, applying the principle of proportionality.
23. The consequence of dismissing the appeal and upholding the notice would be that the occupants of the Land would lose their home. However, an extended compliance period of eight months would allow sufficient time to explore alternative accommodation options.
24. The planning harm identified in respect of the impacts on the neighbourhood centre and transport impacts is of such weight that upholding the notice would be a proportionate and necessary response that would not violate those persons rights under Article 8 of the HRA. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

J Whitfield

INSPECTOR