



Appeal Decision

Site visit made on 2 June 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal A Ref: APP/X5210/C/25/3370591

Land at Fourth-Fifth Floor Duplexes, 18 Stukeley Street, London, WC2B 5LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gil Levy, Taracove UK Ltd against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 25 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission: following the demolition of the pre-existing fourth floor single storey extension, the erection of a double-storey roof extension with a roof terrace, located at fourth and fifth floors of the property, for use as 2 units of temporary sleep accommodation.
 - The requirements of the notice are to:
 1. Cease the use of the units as temporary sleeping accommodation (short term lets) and make the development fully comply with the terms, conditions and limitations of planning permission reference 2021/5761/P dated 18th January 2023 in accordance with the approved documents and drawings.OR
 2. Revert the property back to its pre-existing position (last lawful) by completely demolishing the double-storey roof extension and rebuilding the fourth-floor roof extension to match pre-existing; remove any constituent materials; and make good any damages.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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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Appeal B Ref: APP/X5210/C/25/3370592

Land at Third Floor Flat, 18 Stukeley Street, London, WC2B 5LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gil Levy, Taracove UK Ltd against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 25 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission: the material change of use of the flat on the third floor of the property to use as a temporary sleeping accommodation.
 - The requirements of the notice are:
 1. Cease the use of the property for temporary sleeping accommodation.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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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Decisions

Appeal A: APP/X5210/C/25/3370591

1. 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.

Appeal B: APP/X5210/C/25/3370592

2. 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.

Preliminary Matters

3. Appeals A and B are made by the same appellant and raise the same issues. Accordingly, I have dealt with the cases in a single decision letter to avoid duplication but have considered each appeal on its own merits.
4. The appellant submitted a completed Unilateral Undertaking (UU) for each appeal, which in summary would secure a temporary permission for the alleged use and a car-free development. The Council had the opportunity to comment on this matter and I am satisfied that no injustice would arise from my consideration of the UU.
5. There is an emerging local plan for Camden. However, the Council has confirmed that there are no material differences between the relevant policies of the Camden Local Plan Adoption Version June 2017 (the Local Plan) and the emerging plan in relation to the appeals, and that the emerging plan carries limited weight at this stage. Given that there is the potential for changes to the emerging plan, it carries limited weight in my decision.

Ground (a) and the deemed planning applications – Appeals A and B

6. An appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice.

Main Issues

7. The main issues are the effect of the developments on the supply of housing; the effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and the effect on highway safety, with regard to car parking.

Reasons

Supply of housing

8. The appeals concern two enforcement notices relating to two duplexes (Appeal A) and a flat (Appeal B) located at 18 Stukeley Street. The duplexes (Nos 6 and 7) are located on the fourth and fifth floors of the building, and the flat (No 5) is on the third floor. Nos 6 and 7 were created within a new two storey extension to the building, pursuant to planning permission ref. 2021/5761/P.
9. Although the appellant did not formally appeal under ground (c), they have suggested that the alleged temporary sleeping accommodation use is ancillary to the lawful class C3 residential use, and as such does not represent a material change of use. In support of that argument the appellant says that the use is limited strictly to ensuring the properties do not remain vacant during the sales period, the degree of change is minimal and reversible, and is consistent with the *Gravesham*¹ principles. In *Moore*², the Court of Appeal held that 'It was not correct to say either that using a dwelling for commercial holiday lettings would never amount to a

¹ *Gravesham BC v SSE & O'Brien* [1982] 47 P&CR 142; [1983] JPL 307

² *Moore v Secretary of State for Communities and Local Government* [2012] EWCA Civ 1202

material change of use or that it would always amount to a material change of use. Rather in each case, it would be a matter of fact and degree and would depend on the characteristics of the use as holiday accommodation’.

10. The appellant has referred to other judgments in support of their submissions on this matter. However, no copies of these were provided, and the citations relied upon could either not be verified from the information supplied or are of limited relevance to the matters before me. I attach little weight to those submissions.
11. I accept that the units contain the facilities required for day-to-day private domestic use. However, the character of the use is also a consideration. However, based on the evidence before me, I find that the alleged use is materially different to that of a single dwelling in terms of the pattern and nature of occupation, including the frequency and turnover of stays. The appellant says that the units were not advertised on mass-market platforms, but the information provided by the Council shows the advertisement of the premises on short-term letting and visitor accommodation websites such as Airbnb and Booking.com, and there are large numbers of visitor reviews. Whilst there appear to have been vacant periods, the Council’s evidence shows that at the time of the notices the use of the three units for temporary sleeping accommodation had exceeded the 90 nights permitted for such use in a calendar year in Greater London³, which is indicative of a material change of use.
12. Therefore, the temporary sleeping accommodation is not ancillary to the lawful class C3 dwellinghouse use but is a primary use. I also note that the appellant accepts in their final comments that the alleged use is not ancillary. I find that it constitutes a material change of use.
13. Local Plan Policy H3 seeks to ensure that existing housing continues to meet the needs of existing and future households. This is consistent with the aims of the National Planning Policy Framework (Framework) to significantly boost the supply of homes. The use of the units as temporary sleeping accommodation has led to a reduction in the supply of housing because they are not used for permanent residential accommodation. I observed during my site visit that the units have been finished to a high standard and contain normal domestic facilities for single dwellings. I also note that they appear capable of reverting to use as class C3 dwellings, and are being marketed as such, but this does not address the harm arising from the use as it presently exists.
14. The appellant states that Local Plan Policy H3 and Policy H8 of the London Plan (2021) resist loss of permanent housing unless the change is temporary and reversible. However, I find no basis for that interpretation of the policies. Local Plan Policy H3 seeks to ensure that existing housing continues to meet the needs of existing and future households, including by protecting housing from permanent conversion to short stay accommodation intended for occupation for periods of less than 90 days. London Plan Policy H8 seeks to ensure that loss of housing is replaced by new housing at existing or higher densities and does not provide support for its loss on a temporary or reversible basis. The appellant refers to a document described as the Mayor’s Supplementary Planning Guidance on Short-Term Letting (2019), but a copy has not been provided, and I have been unable to verify that there is a formally adopted document of that description.

³ By virtue of S25A of the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015.

15. The appellant argues that the Framework does not support leaving newly constructed flats vacant, nor seek to penalise transitional activity. However, were I to accept this reasoning it could be applied elsewhere to justify unauthorised use of flats on an interim basis during the marketing period, which would undermine the proper application of planning control.
16. I have considered the appeal decisions referred to by the appellant⁴. However, these appear to concern the use of properties as short-term letting for only part of the year, with the properties reverting to use as dwellings for the remainder of the year. That is not the case with the proposals before me. Moreover, the other cases were within different boroughs and assessed against different policies. They are therefore materially different from the current appeals. Furthermore, the reference numbers for some of the other appeal decisions referred to by the appellant do not appear to relate to the addresses identified and do not concern temporary sleeping accommodation⁵. The Council confirms that there is no record of a temporary planning permission having been granted in 2023 for the address at 48 Great Russell Street. In the absence of accurate details, I am unable to attribute any weight to these decisions.
17. For the above reasons, I conclude that the developments are harmful to the Council's housing supply, and are thereby contrary to Local Plan Policies H1, H3 and E3, London Plan Policies H8 and H9, and the High Holborn Vision Supplementary Planning Document (2025) (the SPD). Amongst other things, these aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing, resist development that would involve a net loss of residential floorspace and protect housing from permanent conversion to short-stay accommodation intended for occupation for periods of less than 90 days.

Living conditions

18. The unauthorised use is akin to a short-term visitor use which will result in more transient patterns of occupation of the properties compared to permanent dwellings, which are occupied on a longer-term and more settled basis. The evidence indicates that the unauthorised use has generated a regular turnover of occupiers and there are also visits from staff for cleaning and servicing during or between stays. Given the transient nature of the occupiers and their likely limited connection to the local area, they would be less likely to have regard to neighbouring residents or to strongly contribute to a sense of community stability. As a result, there is the potential for increased noise and disturbance to the neighbouring occupiers from more comings and goings to and from the properties, which is of particular concern given the cumulative impact arising from the use of three flats as temporary sleeping accommodation within the same building.
19. Noise and disturbance will be most obvious to the other occupiers of the building who share access, stairways and corridors with these units, but might also be apparent to other neighbours in the surrounding area, as indicated by the comments of the interested party. Given the nature of the accommodation, such disturbance could occur later in the evening when existing residents would reasonably expect some peace and quiet in their homes.

⁴ Ref. APP/A5840/W/15/3003520, APP/A5840/W/17/3179048, APP/V5570/W/18/3205887

⁵ Ref. APP/X5990/C/19/3228773, APP/X5210/C/22/3301759

20. Whilst there have been few objections from neighbouring occupiers and no objection from the Environmental Health Team, this does not demonstrate that the developments are acceptable in terms of the impacts on neighbouring living conditions, and I have found that there is harm in this regard.
21. The appellant's Operational Management Plan (OMP) lacks sufficient detail to persuade me that the adverse impacts can be adequately mitigated. The OMP would still permit a high turnover of visitors despite the proposed minimum three-night stay. Moreover, it is unclear how effectively some of the measures could be enforced and monitored, particularly the proposed "quiet hours". The appellant says that the OMP is enforceable through the UU, but it is not included in the completed UU. I am not satisfied that the OMP or any other planning conditions would make the developments acceptable.
22. I have had regard to the appeal decisions referred to by the appellant, but substantive details of those cases have not been provided and so I cannot be sure that the circumstances are comparable to the appeal developments, which I have determined on their own merits.
23. For the above reasons I conclude that the developments have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. This is contrary to Local Plan Policies A1, A4 and E3, and the SPD, where these seek to protect the quality of life and amenities of occupiers and neighbours, including from noise impacts.

Car parking

24. Local Plan Policy T2 requires all new residential developments to be car-free. The signed and dated UU would prevent occupiers of the units from applying for or holding a resident's parking permit or contract to park in any car park under the control of the Council. This would ensure that the developments are permanently car-free and do not lead to an increase in parking stress and congestion in the area. The planning obligation would therefore be directly related to the developments; necessary to make the developments acceptable in planning terms; and fairly and reasonably related in scale and kind to the developments. Such an obligation would therefore meet the relevant statutory and policy tests set out in the Community Infrastructure Levy Regulations (2010) and paragraph 58 of the Framework. For these reasons I find that the developments comply with Local Plan Policies T1, T2, A1 and DM1 which, amongst other things, require all new developments to be car-free and to promote sustainable transport.

Temporary permission

25. I have considered the appellant's proposal of granting temporary planning permission. The completed UU would limit the use of the units as temporary sleeping accommodation to a period of one year or until the owner's interest in the property comes to an end, whichever is earlier. As the permissions would only be temporary in these circumstances, the harm I have identified would be mitigated to some extent, but even for a temporary period the developments would remain contrary to the relevant policies of the development plan. The evidence indicates that the harm has already existed for a lengthy period, and a grant of temporary permission would extend that period further and prolong the harm. Moreover, there is a possibility that if the planning circumstances have not been resolved by the end of the temporary consent, further applications will be made to extend the temporary

permissions. Consequently, there is insufficient justification for the granting of temporary permissions.

26. The appellant argues that a temporary consent would be consistent with the approach at paragraph 59 of the Framework, but that paragraph relates to viability assessments. Paragraph 60 relates to enforcement and sets out that local planning authorities should act proportionately in responding to suspected breaches of planning control. I find that the Council's actions have been proportionate in this case.

Other matters

27. The appeal sites fall within the Seven Dials Conservation Area. Given that the matters alleged essentially relate to the internal use of the building, I am satisfied that the character and appearance of the Conservation Area is preserved and accords with Local Plan Policies D1 and D2 and the Framework in this respect. This is a neutral consideration rather than a benefit, as is the lack of harm in relation to the car parking implications of the developments.
28. The appellant suggests that the unauthorised use is necessary during the marketing period due to a slowdown in the sale of central London apartments and ensures that the units do not remain vacant and deteriorate in condition or present a security risk. It is also put to me that the use generates income for the company and that this is a financial necessity. However, there is no substantive evidence before me to show that the unauthorised use is the only means of addressing these matters and they are largely private, management considerations in any event.
29. The appeal proposals make efficient use of the units while they are on the market and provide short-term letting opportunities for visitors in a highly accessible location, with resulting social and economic benefits to the area. However, this is at the expense of permanent housing stock and the Council's objective to boost the supply of housing. I attach only limited positive weight to the benefits and conclude that these do not outweigh the harms identified.
30. Dismissal of the appeals would interfere with the appellant's rights under Article 8 and Article 1 of The First Protocol of the European Convention on Human Rights as incorporated by the Human Rights Act 1998. However, these are qualified rights, and interference may be justified in the public interest. Given the harm identified, the action is in accordance with the law and pursues a legitimate aim of regulating land use in the public interest, and is necessary and proportionate to the situation.

Conclusion on ground (a) appeals and the deemed planning applications

31. For the reasons given, I find that the appeal proposals are not acceptable, even on a temporary basis, and are contrary to the development plan as a whole. There are no material considerations which indicate that the decisions should be taken other than in accordance with the development plan. Therefore, the appeals on ground (a) fail and the deemed planning applications are refused.

Ground (f) – Appeals A and B

32. An appeal on this ground is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

33. The notices require the unauthorised use to cease, and in the case of Appeal A, compliance with the terms of planning permission ref. 2021/5761/P or reversion of the property back to its pre-existing position. The requirements would remedy the breach of planning control, consistent with S173(4)(a) of the 1990 Act. The requirement to reinstate the property to its pre-existing condition is not excessive since this would ensure that the land is restored to its lawful state in the event that compliance with the planning permission cannot be achieved.
34. The basis of the appellant's ground (f) appeals is that the requirement to cease the unauthorised use is disproportionate and punitive given the temporary nature of the use and lack of complaints and material harm to the neighbours. However, I have already addressed these matters under the ground (a) appeals and found the proposals to be unacceptable. Temporary permissions with conditions controlling occupancy and continued active marketing would not remedy the breach.
35. There are no obvious alternatives or lesser steps to achieve the purpose of the notices. I therefore find that the requirements do not exceed what is reasonably necessary to remedy the breach of planning control. For these reasons the ground (f) appeals fail.

Ground (g) – Appeals A and B

36. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed.
37. The basis of the appellant's ground (g) appeals is that the compliance periods are unreasonably short. A period of 12 months is sought to enable continued marketing and sales of the units. However, permitting the unauthorised use for a further period of 12 months is unacceptable for the reasons I have set out earlier in this decision. The appellant contends that entering into long term tenancies would prevent access for viewings and effectively prevent the sale of the units. However, the notices do not require the units to be let under long term tenancies, and it appears likely that alternative means of managing and securing the units during the sales period will be available. Although I have had regard to the sales and financial information provided, it does not demonstrate that the compliance periods would obstruct the sale of the units or result in disproportionate financial harm.
38. In the case of Appeal A, as it is likely that the appellant will wish to cease the unauthorised use and comply with the terms of the planning permission, rather than demolishing the extensions, no physical works would be required. The unauthorised use could be ceased relatively quickly given the regular turnover of occupiers and future bookings could be cancelled. The compliance periods are also sufficient to enable alternative arrangements to be made to secure the units while the sales process continues. I therefore conclude that the periods given for compliance are reasonable and proportionate. The appeals on ground (g) fail.

Conclusion

39. For the reasons given above, the appeals are dismissed, the deemed planning applications are refused, and the enforcement notices are upheld.

M Ollerenshaw

INSPECTOR