Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2026

Appeal Ref: APP/X5210/C/25/3376280
6 Rudall Crescent, London NW3 1RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Roy Shai on behalf of MIDAS REAL ESTATE LIMITED against an enforcement notice issued by the Council of the London Borough of Camden.
- The notice was issued on 15 October 2025.
- The breach of planning control as alleged in the notice is the *material change of use from residential to use as temporary sleeping accommodation.*
- The requirements of the notice are to *cease the use of the property for temporary sleeping accommodation.*
- The period for compliance with the requirement is *one month from the notice taking effect.*
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 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.

Formal Decision

1. It is directed that 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

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 17 August 2026. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the new Framework policies where necessary in this appeal.

3. From the information before me, the appeal site consists of a large five-bedroom single family dwellinghouse located in Rudall Crescent, Camden. The surrounding area is mainly residential, albeit the site is located within walking distance of Hampstead station and Hampstead High Street which consists of commercial premises at the ground floor and flats above. Nevertheless, the character and appearance of the immediate area is one of residential use.

4. The proposal is to provide a material change of use from a residential (Class C3) to use as temporary sleeping accommodation. The appellant alleges that the proposal does not represent a material change of use as the property remains the owner's main residence with short-stay lettings undertaken on an intermittent basis, while they are away. However, there is no ground (c) appeal before me, and the appellant has provided little evidence to justify the claim that the matters stated in the notice do not constitute a breach of planning control. As such, I have dealt with this appeal under ground (a) only.

5. The appellant also states that there is no intention to convert the property permanently into visitor accommodation. However, in appealing the scheme under ground (a) the deemed planning application is for a material change of use to provide temporary accommodation as alleged in the enforcement notice.

6. Pursuant to section 176 of the 1990 Act (as amended), I have the power to correct any defect, error or mis-description, provided I am satisfied there will be no injustice to either party. Whilst the breach of planning control could potentially be amended, in doing so, this would alter the scope of the notice possibly resulting in injustice to one or both of the parties. Therefore, it is not open to me to correct the notice in accordance with my powers under section 176(1)(a), since injustice would likely be caused to one or both of the main parties were I to do so. I will therefore proceed with the description of development as set out in the notice.

Appeal under ground (a), the deemed planning application

7. An appeal on this ground is that planning permission should be granted for the matters alleged in the enforcement notice. Consequently, the deemed planning application is for the material change of use from residential to use as temporary sleeping accommodation at 6 Rudall Crescent, London NW3 1RS.

Main issues

8. The main issues are the impact of the development on i) the supply of housing in the London Borough of Camden; ii) living conditions of existing residents with specific regard to noise and disturbance; and iii) parking and congestion.

Reasons

Housing supply

9. Policy H1 of the Camden Local Plan (CLP), adopted in 2017 seeks to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing. Policy H8 of The London Plan (LP), adopted March 2021 also protects the loss of existing housing, through replacement housing being provided at existing or higher densities with at least the equivalent level of overall floorspace.

10. Policy H3 of the CLP also seeks to ensure that existing housing continues to meet the needs of existing and future households. In particular, policy H3 states the Council will protect housing from permanent conversion to short-stay accommodation intended for occupation for periods of less than 90 days. Overall, these policies are consistent with the aims of the Framework to significantly boost the supply of homes.

11. The appellant alleges the primary use remains as a dwelling, indicating that its use for temporary sleeping accommodation does not exceed the 90 nights permitted for such use in a calendar year as stated in policy H3 and permitted by section 25A of the Greater London Council (General Powers) Act 1973 (as amended by the Deregulation Act 2015). However, I have been supplied with little evidence to confirm this claim.

12. Furthermore, I have not been supplied with any Council Tax records to show that the person or at least one of the persons who provided the sleeping accommodation was liable to pay Council Tax in respect of the premises. Thus,

the use as temporary sleeping accommodation would involve a material change of use resulting in the loss of an existing residential use and consequently the loss of an existing house.

13. The appellant draws my attention to caselaw[1] and whether the use of the dwelling house for commercial letting as holiday accommodation amounts to a material change of use. This is a matter of fact and degree in each case, and the answer will depend on the particular characteristics of the use as holiday accommodation.

14. The *Moore* case includes various criteria to assess whether there had been a material change of use, which includes the pattern of arrivals and departures, with associated traffic movements, the unlikelihood of occupation by family or household groups, the numbers of people constituting the visiting groups on any occasions, the likely frequency of party type activities, and the potential lack of consideration for neighbours. I have been supplied with limited information relating to any comings and goings, number of occupants and traffic movements etc associated with the use of the property for temporary accommodation.

15. It is acknowledged that the proposal would not result in any physical alteration or subdivision of the appeal site, however the use for temporary sleeping accommodation would result in the loss of an existing house which would be contrary to policy.

16. The appellant also refers to other Inspector decisions[2] which he considers relevant to the appeal. I am aware of the Thomas House appeals (3349007 & 3349008) as I was the Inspector who determined these appeals. In my view, these appeals are not comparable with the appeal before me. The Thomas House site related to a small apartment within an existing flatted development. Based on fact and degree I found its use would be akin to the existing use of Thomas House as a block of flats for single households. This was based on a significantly more robust evidential basis, unlike the current appeal before me.

17. In regard to The Moorings appeals (3257640 & 325764), this scheme succeeded based on the facts before the Inspector at the time. Under ground (c) as the appellant provided robust evidence including statutory declarations and records of lettings, the Inspector concluded that the matters alleged in the notice did not constitute a breach of planning control. This is unlike the case before me which has not been brought under ground (c) and moreover there is a significant lack of accurate information pertaining to its use. Therefore, these examples are materially different to the appeal before me, thus I am unable to attribute any weight to these decisions.

18. For the above reasons, I conclude that the development is harmful to the Council's housing supply, and is thereby contrary to policies H1, H3 and E3 of the CLP, and policies H8 and H9 of the LP. 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.

[1] *Moore v SSCLG [2012] EWCA Civ 1202*
[2] PINS Refs: 3257639, 3349007 and 3349008

Living conditions

19. The Council and interested parties have made representations in respect to the turnover of occupants resulting in noise and disturbance for the local residents. The appellant alleges that the use for temporary sleeping accommodation would be akin to the use as a single family dwelling with regard to the numbers of occupants and their comings and goings.

20. There is discrepancy between the parties over the numbers of occupants who can reside at the property, with the appellant stating that the maximum occupancy is six persons, thus comparable with a single family dwelling. At the site visit I noted that the property contains five bedrooms, each containing a double bed, as such the appeal site could accommodate at least ten guests at one time. I have been provided with limited details as set out in *Moore*, thus I am unable to conclude whether there is any lack of consideration for neighbours from noise and disturbance, and/or whether it can be mitigated.

21. The appellant alleges that guests are vetted and required to abide by a strict house-rules agreement prohibiting parties or events, and arrival and departure times are scheduled during daytime hours to minimise disturbance. However, I have been supplied with no details pertaining to these restrictions. Nor is there a draft management plan, which could be conditioned. Without a robust evidential base, I cannot be confident that development could be carried out in this location without adversely affecting the living conditions of neighbours, or whether any suitable mitigation measures could be provided. Given this uncertainty, I am not satisfied that it would in this case, be appropriate to defer consideration of this matter to a planning condition.

22. Overall, there is a lack of information to conclude that the scheme would not have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. This is contrary to policies A1, A4 and E3 of the CLP, which collectively seek to protect the quality of life and amenities of occupiers and neighbours, including from noise impacts, among other things.

Parking and congestion

23. Policy T2 of the CLP requires all new residential developments to be car-free. Rudall Crescent and the surrounding roads are subject to parking restrictions through a controlled parking zone (CPZ). Furthermore, at the time of my site visit, I observed that many of the on-street car parking spaces in Rudall Crescent and the surrounding roads were occupied. As the development is car-free, it would not benefit from any off-street parking spaces and therefore would increase demand for parking on the street, where opportunities for on-street parking appear limited.

24. I have little information from the appellants with regard to parking stress surveys, nor have I been presented with any details of a travel plan or alike, seeking to reduce reliance on the car and promoting more sustainable forms of transport. Whilst I acknowledge the proposal would be car-free, I have not been presented with evidence or indeed a mechanism, such as a legal agreement, that would secure the development as car-free. This would be necessary to make the development acceptable in respect to parking. As such, there is little evidence before me, to clarify that there is availability of sufficient car parking spaces or that there are no pressures caused by existing uses or developments in the area.

25. The proposal therefore fails to demonstrate that it would not result in adverse effects on the parking and congestion, caused by the increased demand for parking on nearby roads. Therefore, the proposal would be contrary to CLP policies T1, T2, A1 and DM1 which, require all new developments to be car-free and to promote sustainable transport, amongst other things.

Conclusion of ground (a)

26. I conclude that the development is harmful to the Council's housing supply through the loss of an existing family dwellinghouse. Furthermore, the lack of clarity on the effects of the proposal on parking and congestion, coupled with the likely harm resulting to the living conditions of existing residents in respect to potential noise and disturbance, weigh against the proposal. Consequently, the proposed development conflicts with the development plan when taken as a whole, and the Framework, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

27. For these reasons I conclude that the appeal should be dismissed.

Overall Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR