

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE
(Enforcement Reference No. 2021/00335/CONDS)
ISSUED BY the London Borough of Hammersmith and Fulham**

RELATING TO LAND AT: 4 Challoner Crescent, London

- TO: Continental Coachworks (London) Limited (Co. Regn. No. 3289768) of 112-114 North End Road, London W14 9PP**
- AND TO: Just Eat Limited (Co. Regn. No. 06947854), Fleet Place House, 2 Fleet Place, London, United Kingdom, EC4M 7RF**
- AND TO: Just Eat, 4 Challoner Crescent, London W14 9LE**
- AND TO: The Owner, 4 Challoner Crescent, London W14 9LE**
- AND TO: The Occupier, 4 Challoner Crescent, London W14 9LE**

THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control under paragraph (a) of Section 171A(l) of the above Act at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

1. THE LAND TO WHICH THIS NOTICE RELATES

Land at **4 Challoner Crescent, London W14 9LE** shown edged red on the attached plan.

2. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change of use from a vehicle repair workshop (Class B2) to a delivery hub (Sui generis).

3. REASONS FOR ISSUING THIS NOTICE

- a. It appears to the Council that the above breach of planning control has occurred within the last four years.

1. The development is considered to be unacceptable in the interests of residential amenity. More particularly, by virtue of the lack of a noise assessment, the delivery hub fails to demonstrate that it would not cause adverse harm to neighbouring amenity in terms of noise disturbance resulting from the congregation of drivers and increased traffic. In light of this, it is considered that the change of use would cause an unacceptable noise nuisance and disturbance to the detriment of local residents by virtue of the current activities on site. This would be contrary to policies CC11 of the Local Plan 2018 and Key Principles NN3 and NN4 of the Planning Guidance 2018.
2. The change of use to a delivery hub (Sui Generis) by virtue of the lack of a Transport Assessment has failed to demonstrate that the vehicle use associated with the activities on site does not have a harmful impact on vehicle and pedestrian movement, or highway and public safety. The proposal is therefore contrary to Policies T1, T2 and T3 of the Local Plan (2018).
3. The change of use to a delivery hub (Sui Generis) by virtue of the lack of a travel plan statement has failed to demonstrate that on-street parking does not generate additional on-street parking demand, in an area which also suffers from significant on-street car parking stress, to the further detriment of the existing amenities of residents. Furthermore, the site has moderate/good accessibility to public transport and in these circumstances the Council's policies seek to ensure that any developments including conversions in good transport accessible areas are made car-parking permit free. In this respect, the development is contrary to policies T1 and T4 of the Local Plan 2018 and SPD Key Principle TR3 of the Planning Guidance Supplementary Planning Document (2018).
4. The change of use to a delivery hub fails to demonstrate that no adverse effects would arise on vehicle and pedestrian movement, including on highway and public safety, as a result of delivery and servicing operations. As a result, the development would be contrary to Policies T1 and T2 of the Local Plan (2018).

4. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the premises as a delivery hub (Sui Generis)

5. TIME FOR COMPLIANCE

The steps specified in paragraph 4. of this notice must be completed within four (4) months of the date on which this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 28th September 2021 unless an appeal is made against it beforehand.

Dated: 17-8-21



Neil Milligan
The officer authorised on behalf of

Joanne Woodward, Chief Planning and Economic Development Officer

Planning Enforcement, Development Management
London Borough of Hammersmith & Fulham
Town Hall, King Street,
Hammersmith, London W6 9JU
web: www.lbhf.gov.uk



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Fax No 0117-372 8782

THIS IS IMPORTANT

You can appeal against this notice, but any appeal must be received, or posted in time to be received by the Secretary of State before the effective date specified in this notice.

'The right to appeal' and how to complete your appeal form' go to <https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

If you want to appeal against this enforcement notice you can do it:-

on-line at the Appeals Casework Portal (<https://acp.planningportal.gov.uk/>);

or

by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority; the site address;
- your address; and
- the effective date of the enforcement notice.

We **MUST** receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

If you wish for ground (a) or the deemed planning application to be considered there is a fee of £924 payable to the London Borough of Hammersmith and Fulham .

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the effective date specified in the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice.

Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXPLANATORY NOTICE

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at: 4 Challoner Crescent, London W14 9LE

This local planning authority, (London Borough of Hammersmith and Fulham), has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed in the Notice who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 28th September 2021 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

'The right to appeal' and how to complete your appeal form' go to <https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 28th September 2021.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924 Payable to The London Borough of Hammersmith and Fulham pay over the telephone on 020 8753 1081 or online; go to www.lbhf.gov.uk and select the following:

- H&Fwebsite
- Make payment
- Planning
- Planning application

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

- Agents should note that if ground (a) is not pleaded at the very beginning the Inspectorate will not delay the processing of the appeal.
- Appellants should set out all grounds for making their appeal and provide supporting facts for each ground when making the appeal.
- It is important that if the appellant wants the planning merits of the development to be considered – known as the “deemed planning application” - they must plead ground (a) and pay the fee for that application to the local planning authority when making their appeal. If this is not done, the planning merits and any subsequent ground (a) appeal (Ground (a) - that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed) cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

London Borough of Hammersmith & Fulham
4 Challoner Crescent, London W14 9LE



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