

Committee(s)	Dated:
Planning and Transportation Committee	21/03/2017
Subject: 15 Trinity Square Unauthorised Short Term Letting- Enforcement Report	Public
Report Of: Chief Planning Officer and Development Director	For Information
Report author: Sue Bacon	

Summary

Further to Committee authorising enforcement action, in respect of the unauthorised use of flats 6, 9 and 15, 15 Trinity Square as short term lets, interested parties were advised of the proposed Enforcement Notices in accordance with the draft Enforcement Plan. They have advised that the unauthorised uses have ceased and will not be recommenced. As the breaches have been remedied (and assurances given), it would not be expedient or in accordance with the draft Enforcement Plan to serve Enforcement Notices. The position will be monitored and Enforcement Notices served if required.

Recommendation(s)

Members are asked to note the contents of this report.

Main Report

Background

1. On the 13 December 2016, it was reported that it appeared that there had been a breach of planning control involving the unauthorised use of flats 6, 9 and 15, 15 Trinity Square as short term lets.
2. Having regard to the provisions of the Development Plan and the material considerations, Members considered it expedient to take enforcement action under section 172 of the Town and Country Planning Act 1990 to remedy the breach of planning control and Members authorised Officers to:
 - 1) issue Enforcement Notices in respect of flats 6, 9 and 15, 15 Trinity Square to secure the cessation of the unauthorised short term let use; and
 - 2) instruct the Comptroller and City Solicitor to serve copies on the owners and occupiers and any other persons having an interest in the land materially affected by the Notice.

Interested Parties Response

3. Paragraph 3.16 of the draft Enforcement Plan SPD states that 'where the service of an Enforcement or other Notice has been authorised those with an interest in the land will be advised of the decision. Prior to the service of the Notice an opportunity will be given to remedy the breach within a reasonable period. Normally only one letter of notification will be sent prior to action being taken.....'
4. In accordance with paragraph 3.16 interested parties were notified of the decision and this prompted the following responses:

Flats 6 and 15, 15 Trinity Lane

5. The leaseholder advised that it is his intention to proceed to the sale of one of the flats and have a regular long term let for the second flat. He advised that it may take a while to make the switch and that he assumed that he would not be in breach of planning if the short term letting during 2017 did not exceed 90 nights per flat starting from either 1 January 2017 or 22 January 2017.

Flats 9, 15 Trinity Lane

6. The leaseholders confirmed that they are now in compliance with the planning regulations as from 1 January 2017 and will continue to act in accordance with the City of London Corporation's advice.
7. The Greater London Council (General Powers) Act 1973 (as amended) permits short term letting subject to conditions, including a condition limiting use as temporary sleeping accommodation to a maximum of 90 nights in any one calendar year. Therefore should interested parties choose to let their premises as short term lets for 90 nights during 2017 this would not constitute a breach of planning subject to compliance with the relevant terms and conditions.
8. As the breaches have been remedied (and assurances given), it is not considered that it would be expedient, or in accordance with the draft Enforcement Plan to enforce. The leaseholders of the 3 flats and the

complainants, (i.e. those who are contactable), were so advised and that the matter would be reported to the Planning and Transportation Committee for information.

9. The leaseholders have been asked to confirm if and when they exercise their right to use the premises for 90 nights of short term lets. In the meantime a number of checks have been carried out including searching the web which has not been conclusive and cold calls which have resulted in no responses. It is anticipated that should there be any long term short term letting complainants will notify the Corporation.
10. Since the matter was reported to your committee one operator Airbnb's systems automatically limit entire home listings in Greater London to 90 nights a year unless the hosts confirm they have planning permission. Guidance is provided by Airbnb (see www.airbnb.co.uk/help/article/1379/responsible-hosting-in-the-united-kingdom).
11. The City's website has been updated to provide guidance and information about the 90 night limit, with the aim of aiding compliance. In order to monitor the situation spot checks will be carried out of relevant websites and occasional visits made.

Background Papers

Enforcement Report - 15 Trinity Square Unauthorised Short Term Letting
Planning and Transportation Committee dated 13/12/2016