

Appendix 4.



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Your Ref: 11/en/0214(GB)  
Our Ref: APP/A5840/C/12/2177929  
Date: 1 November 2012

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Dear Sir/Madam

**Town and Country Planning Act 1990  
Appeal by Europa Gold Limited  
Site at 1-20 Spurgeon Street, London, SE1 4YP**

The Inspector is concerned that the appeal might not be suitable for an informal hearing in that there might be matters of fact in dispute in relation to the appeal on ground (d) where evidence would be better heard on oath and that cannot be done at a hearing. In addition, and in connection with the appeal on ground (b), there is disagreement as to the appropriate description of the current use. It seems likely that this matter might be resolved, after discussion, by correcting the description of the breach of planning control in the notice if necessary. However, there is further disagreement as to whether there has been one or more material changes of use since the year 2000. If the Council is right and there has been more than one change, then it seems likely that the property now has a nil use rather than a lawful use as offices - see s57(4) of the Town and Country Planning Act and Encyclopaedia of Planning Law commentary at P57.08. If that is so then the current use does not result in a loss of office use. In a case such as this it appears that there might also be a need for legal submissions, in particular in relation to the materiality of any change in the use which, once again, brings into question the appropriateness of proceeding by way of an informal hearing.

Your views in this matter would be appreciated as soon as possible.

Yours sincerely

*Richard Vause*

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Letter ID



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