



Ministry of Housing,
Communities &
Local Government

Our ref: APP/X5210/C/18/3219239

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12 March 2020

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 174 & 177
APPEAL MADE BY THE GOVERNMENT OF MAHARASHTRA
LAND AT 10 KING HENRY'S ROAD, LONDON, NW3 3RP
ENFORCEMENT REF: EN18/0027**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mr K L Williams BA, MA, MRTPI, who held a public local inquiry on 24 September and 11 October into your client's appeal against an enforcement notice issued on 16 November 2018, by the London Borough of Camden. The enforcement notice is summarised by the Inspector as follows:
 - The breach of planning control as alleged in the notice is a change of use from 2 residential units (Class 3) to museum (Class D1) including the erection of a single storey rear conservatory, alteration to boundary treatment including addition of metal railing and alterations to existing entrance steps including the installation of a disabled platform lift to access the upper ground floor.
 - The requirements of the notice are to cease the use of the memorial/museum (Class D1) and revert to previous use and layout as 2 residential units (Class C3).
 - The period for compliance with the requirements is 6 months.
2. On 20 September 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 174 of, and paragraph 2(a) of, the Town and Country Planning Act 1990. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the enforcement notice be corrected by the replacement of the words at 5.1 of the notice¹ with the words: "Cease the use as a museum."
4. The inspector further recommended that the enforcement notice as corrected be quashed and planning permission granted on the application deemed to have been made under section 177(5) of the Act as amended (that being for the change of use of no.10 King Henry's Road London, NW3 3RP from 2 residential units (Class 3) to a museum (Class D1), including the erection of a single storey rear conservatory, alteration to boundary treatment including the addition of metal railings, and alterations to the existing entrance steps including the installation of a disabled platform lift to access the upper ground floor, subject to the conditions set out in the schedule attached to the Inspector's report.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendations. He has decided to correct and quash the enforcement notice as above. He has also decided to grant permission on the deemed planning application for change of use to a museum together with the related operational development subject to the planning conditions set out in **Annex A**. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the London Plan – Consolidated with Alterations, 2016 (LP) and the Camden Local Plan, 2017 (CLP). The Secretary of State considers that relevant development plan policies include those set out by the Inspector at IR7 and 8.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'). The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

Emerging Plan

9. The emerging plan comprises the draft new London Plan (DLP). The DLP has completed its Examination in Public, and the Panel's report to the Mayor of London was issued in October 2019. The Mayor published online and submitted his Intend to Publish version of the plan to the Secretary of State on 9 December 2019. The planned publication date is March 2020.

¹ The Council's enforcement notice at 5.1 is worded as follows: "*Cease the use of the memorial/museum (Class D1) and revert to previous use and layout as 2 residential units (Class C3)*".

10. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
11. The Secretary of State agrees with the Inspector (IR47) that LP policy 3.14 is continued in policy H10 of the DLP. However, the Secretary of State disagrees with the Inspector's conclusion that it should be afforded little weight. As the DLP is currently with the Secretary of State and at a more advanced stage, he accords it moderate weight in this appeal.

Main Issues

Consistency with Planning Policy

12. For the reasons stated, the Secretary of State agrees with the Inspector's analysis of consistency with planning policies at IR47-49. In particular, he agrees that the development is not consistent with LP 3.14, CLP H1, CLP H3 and CLP E3. He therefore agrees with the Inspector (IR50) that, although there are development plan policies which pull in different directions, the change of use to a museum would conflict with the development plan as a whole.

The Enforcement Notice

13. Further to paragraph 3 above, and for the reasons stated at IR5, the Secretary of State agrees with the Inspector's analysis of required amendments to the wording of the Enforcement Notice and to its correction as outlined at IR64

The effect on housing supply

14. For the reasons given at IR51-52, the Secretary of State agrees with the Inspector's that the small loss of 2 units (in comparison with the annual CLP target of 1,120 dwellings per annum) would have only a small effect on housing supply.

The Significance of Dr Ambedkar and 10 King Henry's Road

15. The Secretary of State agrees with the Inspector's analysis at IR53 about the significance of Dr Ambedkar as a major figure in Indian and British history.
16. The Secretary of State has carefully considered, and agrees with, the Inspector's analysis of the link between No.10 King Henry's Road and Dr Ambedkar (IR 54-58). He also agrees with the Inspector that the museum would provide cultural benefits to the borough and would enhance tourism (IR57).
17. Overall, the Secretary of State agrees with the Inspector's conclusion at IR 58, that the association of the address with Dr Ambedkar carries considerable weight in the appellant's favour.

The effect on no.1-49 and 8-54 King Henry's Road

18. The Secretary of State agrees with the Inspector (IR59) that the operational works associated with the change of use to a museum are not harmful to the significance of the

non-designated heritage asset which comprises nos.1-49 and 8-54 King Henry's Road, and that the balance of evidence is that the museum has not resulted in harm to residential amenity in the surrounding area.

Other matters

19. The Secretary of State has carefully considered the Inspector's assessment at IR60 of the potential for creating a precedent by granting planning permission, but he agrees that similar circumstances are unlikely to be a common occurrence and there would be little risk of creating a harmful precedent.
20. The Secretary of State also agrees with the Inspector's conclusion about the proximity to public transport (IR61), and he gives it limited weight in favour of the proposal.

Planning conditions

21. The Secretary of State has given consideration to the Inspector's analysis at IR44-45, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at **Annex A** should form part of his decision.

Planning balance and overall conclusion

22. For the reasons given above, the Secretary of State considers that the change of use to a museum is not in accordance with policies of the CLP, or the LP. He therefore considers that it is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate whether the deemed planning application should be determined other than in accordance with the development plan.
23. The Secretary of State considers that the loss of two residential units and the consequent effect on housing supply carries limited weight against the development. Against that, he considers that the significance of Dr Ambedkar and his association with the appeal site weigh heavily in favour of the scheme. Overall, the Secretary of State considers that the benefit of having a museum dedicated to Dr Ambedkar in a location which has strong associations with him and which is readily accessible by public transport weighs significantly in favour of the scheme. .
24. Overall the Secretary of State considers that the material considerations in this case indicate a decision which is not in line with the development plan, so that the appeal should be successful and deemed planning permission granted.

Formal decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and, subject to the conditions set out in **Annex A**, grants deemed planning permission for the change of use of no.10 King Henry's Road London, NW3 3RP from 2 residential units (Class 3) to a museum (Class D1) including the erection of a single storey rear conservatory, alteration to boundary treatment including the addition of metal railings and alterations to the existing entrance steps including the installation of a disabled platform lift to access the upper ground floor.

26. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

28. A copy of this letter has been sent to the London Borough of Camden and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A – List of conditions

1. The use hereby permitted shall be carried on only by the State of Maharashtra of India for the Dr Ambedkar museum. The use shall cease should the State of Maharashtra of India cease to use the premises for the Dr Ambedkar museum.
2. The museum shall not be open to visitors other than between the following times: 11:00 to 17:00.
3. The use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 6 months of the date of this decision, or such other period as the local planning authority may agree in writing, a Museum Management Plan shall be submitted in writing to the local planning authority. It shall include details of: means of communicating museum opening times to the public; arrangements for visits by parties including dropping off and picking up arrangements; measures to control noise; the placing of statues or artefacts outside the building (if proposed); external lighting (if proposed) and a timetable for the implementation of each element of the Museum Management Plan;
 - ii) If within 14 months of the date of this decision the local planning authority refuse to approve the Museum Management Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - iv) The approved Museum Management Plan shall have been carried out and implemented in accordance with the approved timetable. Upon implementation of the approved plan it shall thereafter continue in operation.

In the event of a legal challenge to this decision the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. Details of a secure cycle storage facility for a minimum of 2 cycles shall be submitted to the local planning authority in writing within 3 months of the date of this decision. The cycle storage facility shall be installed in accordance with the approved details within 6 months of that approval and shall thereafter be retained.



Report to the Secretary of State for Housing, Communities and Local Government

by Mr K L Williams BA, MA, MRTPI
an Inspector appointed by the Secretary of State

Date: 4 December 2019

TOWN & COUNTRY PLANNING ACT 1990

LONDON BOROUGH OF CAMDEN

APPEAL BY THE GOVERNMENT OF MAHARASHTRA

LAND AT 10 KING HENRY'S ROAD, LONDON, NW3 3RP

Inquiry Held on 24 September 2019 and 11 October 2019

Land at 10 King Henry's Road, London, NW3 3RP

File Ref: APP/X5210/C/18/3219239

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Appeal Ref: APP/X5210/C/18/3219239
Land at 10 King Henry's Road, London, NW3 3RP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by the Government of Maharashtra against an enforcement notice issued by the Council of the London Borough of Camden.
- The enforcement notice, ref: EN18/0027, was issued on 16 November 2018.
- The breach of planning control as alleged in the notice is a change of use from 2 residential units (Class 3) to museum (Class D1) including the erection of a single storey rear conservatory, alteration to boundary treatment including addition of metal railing and alterations to existing entrance steps including the installation of a disabled platform lift to access the upper ground floor.
- The requirements of the notice are to cease the use of the memorial/museum (Class D1) and revert to previous use and layout as 2 residential units (Class C3).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the 1990 Act. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Summary of Recommendation: The appeal should succeed. The enforcement notice should be corrected and quashed. Planning permission should be granted for a change of use to a museum together with the related operational development subject to planning conditions.

Preliminary Matters

1. On 20 September 2019 the appeal was recovered for decision by the Secretary of State on the grounds that it relates to development of major importance having more than local significance. The Inquiry sat on 24 September and 11 October 2019. An accompanied site visit was made on 16 October 2019. Documents submitted at the Inquiry are referred to in this report as Doc 1, Doc 2 etc. Paragraphs in this report are referred to as IR1, IR2 etc. Agreed matters are set out in the Statement of Common Ground (SCG, Doc 4).

The Site and Surrounding

2. No.10 King Henry's Road is a 4-storey terraced property, including a lower ground floor. It is within a predominantly residential street in Primrose Hill and is also known as Ambedkar House. The property forms part of a group which is locally listed for its architectural and townscape quality. That group comprises nos.1-49 and 8-54 King Henry's Road and is a non-designated heritage asset.
3. On the front elevation of the building there is a blue plaque. It reads "*Dr Bhimrao Ramji Ambedkar, 1891-1956, Indian Crusader for Social Justice lived here 1921-1922*". There is a statue of Dr Ambedkar in the small rear garden. The house was acquired by the Government of Maharashtra in September 2015 in order to establish a memorial museum to Dr Ambedkar.
4. The main entrance is on the upper ground floor. It leads to an open plan ground floor room which is used primarily as a gallery showing pictures of Dr Ambedkar and related documents. The lower ground floor is used for functions and community events. A conservatory provides a place for reflection and meditation. The first floor has an open plan reading room where visitors can see and read Dr

Ambedkar's literary works and other publications. A bedroom thought to have been used by Dr Ambedkar is on the top floor.

The Enforcement Notice

5. Two matters concerning the Enforcement Notice were discussed at the Inquiry. Whereas the allegation refers to a change of use to a museum, the requirement refers to ceasing the use as a memorial/museum. The notice's requirement should be consistent with the allegation in this respect. In addition, the requirement to revert to the previous use and layout as 2 residential units goes further than is necessary to remedy the alleged material change of use and is excessive. The main parties have no objection to the correction of the notice to address these matters. The necessary corrections are set out in the recommendations at IR64. They could be made without injustice to the main parties.

Planning Policy

6. The development plan includes the London Plan – Consolidated with Alterations, 2016 (LP) and the Camden Local Plan, 2017 (CLP). Paragraph 4.2 of the Statement of Common Ground (SCG) lists relevant development plan policies. The appellant's appendix A15 provides LP extracts. The CLP is at Doc 24.
7. LP policy 3.14 deals with Existing Housing. CLP policy G1 deals with the delivery and location of growth. The Council's reasons for issuing the enforcement notice refer to CLP policies H1 (Maximising housing supply) and H3 (Protecting existing homes). CLP policy H2 (Maximising the supply of self-contained housing from mixed use schemes) was also alluded to at the Inquiry. The CLP also includes policies E3 (Tourism), C1 (Health and well-being), C2 (Community facilities) and C3 (Cultural and leisure facilities).
8. The Council's Camden Planning Guidance (CPG) include the Interim Housing CPG, 2019 and the Community uses, Leisure Facilities and Pubs CPG, 2017 (appellant's appendix A16). Policies H10 (Redevelopment of existing housing and estate regeneration) and HC5 (Supporting London's culture and creative industries) of the Draft London Plan – Showing Minor Suggested Changes, 2019 (DLP) are in the appellant's appendix A15.

The Case for the Council – The Main Points

Housing policies and the effect on housing supply

9. The loss of 2 permanent residential units and the related loss of floorspace is contrary to CLP policy H1. Policy H1 aims to meet housing need by maximising the supply of housing and exceeding the Council's housing targets. Criterion (a) of the policy is to regard self-contained housing as the priority land-use of the Local Plan. Camden's 2016-31 target, of 1,120 additional homes per year, is in conformity with the LP. London's housing need substantially outstrips identified capacity. The LP directs boroughs to set housing targets to close the gap between London's housing need and its capacity. It indicates that the capital's annual need for housing could be 20,000 per annum more than identified capacity, so that all London boroughs need to maximise delivery. The Greater London Authority (GLA) has projected the potential increase in households in Camden to be 1,270 each year, which exceeds the Council's annual target. All of this emphasizes the importance of maximising housing supply in the borough.

10. The conversion to a museum also conflicts with CLP policy H3, which protects existing homes. Amongst other things it resists development which would involve the net loss of 2 or more homes. The exceptions listed in the policy do not include the type of conversion in this appeal. The policy's supporting text explains that the Council aims to protect all types of housing against development involving a net loss of residential floorspace. It explains that every home lost by redevelopment or conversion is a home that needs to be replaced. Since March 2008 there has been a net annual loss of about 50 dwellings, often by the combination of 2 flats to create a single house. Policy H2 refers to the provision of replacement dwellings elsewhere or the making of a payment in lieu in cases where provision of housing on-site is not practical. The appellant has not offered to pursue those options so that there would be a net loss. The development is also inconsistent with the approach of DLP policy H10. It says that a loss of existing houses should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.
11. Based on the CLP requirement the Council currently has a 5-year housing land supply, although the figures are very tight. Its current 5-year supply of deliverable sites is 6,308, equivalent to 1,262 homes per year. The 2018 Housing Delivery Test looked at the period 2015-2018, with 1 year based on a previous CLP target and 2 years based on the current target. Although that test was passed it is not an indicator that Camden will meet or exceed housing targets in the future. Housing need is not being met if calculated using the method now set out in Planning Practice Guidance and in accordance with paragraph 60 of the National Planning Policy Framework. It results in an annual need of 1,568 dwellings per annum, a higher figure than in the CLP. In that context the loss of 2 units results in significant harm.
12. The 2017-2018 Housing Monitoring Report (HMR, Doc 6) depicts a challenging position. Only 894 units were delivered in 2017-2018, falling 226 units short of the 1120 Objectively Assessed Need (OAN). The housing trajectory in HMR Table 6 shows that the position is unlikely to improve in the near future. Only 465 net units will be delivered in 2018-2019 and 770 units in 2019-2020, both well short of the OAN target. There is every prospect that the Council will be found to have significantly underdelivered, triggering a 20% buffer to the 5-year housing land supply and a higher target for housing land supply.
13. Allowing the loss of 2 dwellings here would have a negative impact on housing availability in a situation where every home counts. It may also create a precedent for such losses. While the building may have required some upgrading works in 2015, there is no evidence to show that it was incapable of refurbishment to make it habitable. Council tax and electoral records show that the 2 flats were occupied in the period leading up to 2015. Even if they had been unoccupied the lawful use as 2 residential units remains and their loss is harmful.

Other CLP policies

14. Other CLP policies address cultural, social and tourism facilities. The change of use to a museum does not conflict with policies C2 and C3. It does conflict with policy E3. It takes account of the relationship between support for tourism development and the priority for self-contained housing. It does not support tourism development where, as in this case, it would lead to the loss of permanent residential accommodation. While there may be scope for some

community use of rooms within the museum there has been no assessment of the need for such provision or consultation with the local community.

No.10 King Henry's Road and Dr Ambedkar

15. Dr Ambedkar's importance in the social, economic and political development of India is not disputed, although he was not of national importance in the United Kingdom. A museum is not justified at no.10 bearing in mind the limited time he lived there. His association with the house was fleeting. He lived in London for 4 non-consecutive years and only lived at no.10 for about 1 year. He was living in London between 1916 and 1917, in 1921 and in 1923 and had lodgings at addresses other than no.10. While living at no.10 he was studying economics at the London School of Economics (LSE) rather than being engaged in the human rights work for which he is famed.
16. The blue plaque on the building was not erected as part of the English Heritage scheme. Its criteria are set out in Mr Baxter's appendix (a) and they would not justify a blue plaque here. Criterion C is that a person should have lived in London for a significant period, in time or of importance in their life and work. Where the association was less than 5 years, far greater stringency is to be applied. Anyone can put up a blue plaque on a building. It does not demonstrate, of itself, the importance of the person it commemorates.
17. The placing of nos.1-49 and 8-54 on the local list reflects the importance of the group for its architectural and townscape importance. It is not related to the stature of Dr Ambedkar. The criteria for the statutory listing of a building are set out in Mr Baxter's appendix (c) and are extensive. No.10 King Henry's Road has not been considered worthy of listing since the system was devised in 1947. Listing criteria do include historical association with nationally important individuals. However, staying at a house for 1 year is not an important historical association, especially when 3 years were spent at other addresses.
18. There are museums to Sigmund Freud and Erno Goldfinger in the borough. They are not comparable and do not justify a museum in this case. No.2 Willow Road was designed and built by Erno Goldfinger. It demonstrates modernist architectural principles of national significance. It was his family home for 48 years and contains his internationally important art collection as well as furniture he designed. These elements combine to justify its listing at Grade II*. Sigmund Freud only lived at no.20 Maresfield Gardens for 1 year before his death. Nevertheless, there was a 48-year family association as his daughter continued to live there. She was a pioneer of child therapy. Freud wrote and had consulting rooms there and the museum includes a reconstruction of his surgery. These elements combine to merit listing at Grade II. In contrast, the exhibits at Ambedkar House are limited in extent and quality (Mr Candler, paragraph 4.0). They do not tell the story of Dr Ambedkar's time there coherently. There is not a genuinely meaningful connection with the associated historic figure.
19. It is not disputed that a facility associated with Dr Ambedkar might be an asset to the Borough. The appellant did not explore or assess other locations. There may be other suitable locations, such as at the LSE or within the borough's "museum mile". It has a diverse range of museums. However, there is not a sufficiently strong link between Dr Ambedkar, his achievements and this ordinary suburban house, where he spent 1 year as a student, to justify allowing this appeal.

The Case for the Appellant – The Main Points

The Significance of Dr Ambedkar

20. Dr Ambedkar is one of the most revered and important historical figures in contemporary Indian politics. He has god-like status for India's 200 million strong Dalit community. He was born into the Dalit, or Untouchable, caste. He represented that community in constitutional negotiations in the 1920's and became the main architect of the constitution of India, the world's largest democracy. Because of his work the constitution included one of the most extensive systems of social welfare and affirmative action for millions affected by caste discrimination. His work for Dalit and women's civil rights is of similar value to the work of Dr Martin Luther King and Nelson Mandela. He became India's first Law Minister and his academic work was influential in setting up the Reserve Bank of India. Dr Ambedkar had a major role in moving India from British rule to independence, so that he is also a significant figure in British history and internationally.
21. In a poll of 18 million Indians in 2012 Dr Ambedkar was voted the greatest figure in Indian history. The value of his work in the period leading to Indian independence was recognised by Lord Louis Mountbatten (Doc 5). He also founded Navayana Buddhism, which is followed by 73% of India's large Buddhist population. Dr Ambedkar's contribution to British culture and politics is recognised by his inclusion in Dictionary of National Biography. There are other symbols of his importance in this country and many more in India. The ceremony to install the blue plaque in 1991 was attended by the High Commissioner for India and by Roy Hattersley MP (Doc 11). There is a portrait in Gray's Inn, also shown on the cover of *An Illustrated History of Gray's Inn, 2018* (Doc 27). India's prime minister, Mr Narendra Modi, visited the house in 2015. He alluded to Dr Ambedkar and to the house while addressing both Houses of Parliament. The establishment of a memorial museum to Dr Ambedkar is of particular importance to the Indian diaspora. In the 2011 census it numbered about 1.05 million people in the United Kingdom, including 437,000 in London. Letters from the LSE and Indian High Commission also support Dr Ambedkar's importance (appellant's appendices A11 and A12).

No.10 King Henry's Road and Dr Ambedkar

22. There is a strong link between Dr Ambedkar and no.10. He lived there for at least 13 months during 1921-22. Letters show that he was living there before 5 January 1921 and on 28 February 1922. It is unlikely that he moved elsewhere before being called to the bar at Gray's Inn in June 1922. He is known to have lived at two other addresses while in London, but for much shorter periods (Doc 19). They are now in other uses and unlikely to provide a museum. If this museum is required to close it would not be re-located elsewhere.
23. Dr Ambedkar lived at no.10 during a formative period in his studies and his thinking, a period which influenced his later social and political actions. He studied at the LSE and was influenced by Fabian thinkers and by the liberal political environment he experienced in London. He attended the LSE and used libraries but much of his studying would have been done at no.10. While at no.10 he was working on his thesis "The Problem of the Rupee", which was later influential in the setting up of the Reserve Bank of India. After leaving London Dr Ambedkar continued his link with no.10 for over 14 years through

correspondence with his former research assistant who lived there. All of this enhances its value as a museum dedicated to Dr Ambedkar. The LSE would be inappropriate for a museum. He did not live there and no part of it has a personal link to him.

24. There is no other museum dedicated to an Indian figure in London. The museum can help to highlight the historical links between India and Britain. The entries in the museum's Visitor's Book amply show the emotional and spiritual value of Ambedkar House to those visiting it (Docs 16-18 and closing submissions, Doc 34 paragraph 12 (12)). Visitors have included India's prime minister, other ministers, high-level civil servants from various Indian states and many others. Since 2000 there has been an annual walk on the anniversary of Dr Ambedkar's death from the house to the LSE. In addition, no.10 is to be developed as one of 5 places of pilgrimage to Dr Ambedkar (Doc 15).
25. The museum has been run on a low-key basis up to now, reflecting the need to resolve the planning situation. The limited range of exhibits is acknowledged. However, further exhibits could be added and there is scope to develop the museum and further improve visitors' experience. This would show, for example, the link to Dr Ambedkar, how he used the house, his activities in London and its relationship to his later work.
26. Lord Harries of Pentregarth is the co-chair of the All-Party Parliamentary Group for Dalits. He considers Dr Ambedkar to be an inspirational figure to the more than 260 million Dalits world-wide. The museum would be invaluable to them and to everyone interested in human rights, equality and justice. He has cited Dr Ambedkar's work in parliamentary debates on discrimination and sees the museum as a valuable potential resource for school children. Ms Chakraborty is a heritage consultant. She considers this to be a unique case where the site's collective memory and shared heritage has great meaning for its stakeholders and for a particular community (appellant's appendix A13).
27. Like the Goldfinger and Freud museums, no.10 is a special place because of its particular connection with a person of historic importance. Sigmund Freud lived at 20 Maresfield Gardens for only a year and had no other connection with Great Britain. Despite this, and the loss of some residential accommodation resulting in conflict with CLP policy H3, planning permission was granted for the Freud Museum (Mr Sullivan, paragraphs 5.52 to 5.58 and appendix A9). In contrast, in this case there was a longer period of residence and Dr Ambedkar had a major influence on India and on the British Empire.

Consistency with planning policies

28. Some CLP policies pull one way and others in a different direction. In addition to housing policies, other policies and supporting text must be considered. Policy H1 makes housing the priority land use but the supporting text acknowledges the need to balance this with the space requirements of particular uses. There is a balance to be struck between delivering housing and other land uses. Policy G1 makes it clear that the local plan aims to deliver housing, jobs and infrastructure. Ambedkar House provides a cultural and community facility. That is also consistent with the updated 2015 Camden Infrastructure Study.
29. Policy H3 protects existing homes and includes resisting development involving a net loss of residential floorspace or the loss of two or more homes. However, the

Council's Interim Housing Guidance is up to date. Its key message is that such losses will generally be resisted, so that there is not a blanket ban. Policy H3 should not be applied in a rigid manner. Although the CLP identifies a loss of 50 units a year that is often due to merging to create large dwellings. Conversion to a museum is rare and should not be regarded as relevant to this element of policy.

30. CLP policies C2 and C3 support the proposal. Policy C3 recognises that smaller cultural facilities may be appropriate anywhere in the borough where, as in this case, they do not have an adverse impact on the surrounding area or the local community. If the museum was permitted it would then be consistent with policy C3 to protect it. This indicates the importance of cultural facilities in the borough. Policy C2 says that the Council will work with partners to develop community facilities. Its supporting text, at paragraph 4.34 recognises that some facilities are of particular value to parts of the community. That is the position in this case. The Council's Infrastructure Study Update, 2015 explains that many of the community buildings in the borough have less space than they need (Doc 26, page 62). Policy E3 does resist tourism development which leads to the loss of permanent residential accommodation. However, Ambedkar House is primarily a cultural and community facility so that the relevance of this policy is doubtful.

The effect on housing supply

31. Camden is doing well in terms of meeting housing targets for the CLP plan period. This is demonstrated by the Annual Monitoring Report for 2017/18 which confirms that the Council is on course to meet the housing needs of Camden's population. (Doc 6). The 2018 Housing Delivery Test showed that the Council's delivery rate was 106% measured against objectively assessed need.
32. Only 2 residential units are affected, amounting to a minute fraction of the Local Plan's housing requirements. Only 1 of those units was in use when the property was acquired by the appellant, so that only 1 was lost. The building was in a very poor state of repair (photographs at appellant's appendix A4). The conversion has enabled its refurbishment and maintenance. The Indian High Commission's letter makes it clear that the property would not be put up for rent or sale if this appeal fails so that the use as 2 residential units would not be resumed in any case (appellant's appendix A11).

Equality considerations

33. There is a binding duty on the decision maker to comply with the Equality Act, 2010 (Doc 35). Sub-sections 149 (1), (2) and (3) and (7) are relevant. Sub-section 149 (7) defines race and religion as protected characteristics. Dismissal of this appeal would not allow this museum, memorial, cultural and community facility to operate. This would fail to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it (s149 (1) (b)). Nor would it foster good relations between persons who share a relevant protected characteristic and those who do not share it (s149 (1) (c)). It would fail to remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic (s149 (3) (a)). It would not facilitate steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it (s149 (3) (b)). The groups particularly affected would be all people of Indian origin, particularly the Dalits, together with Buddhists.

Other matters

34. Conversion of no.10 to a museum arises from rare and specific circumstances so that a precedent would not be set. There is a downstairs meeting room and areas for quiet reflection. In addition to the museum function, a valuable community facility has been provided. The site is well located for access by public transport, being near to an underground station. There were two local objections but there is no harm to the local area and the Council has no amenity concerns. Even at key dates, such as the anniversaries of Dr Ambedkar's birth and death, visitor numbers are thought to be only around 30. Local residents attending the Inquiry were supportive. They see the museum as a positive addition to the area and confirm that no harm to amenity has arisen. Conditions can be imposed and a museum management plan is envisaged.

Third Parties Appearing at the Inquiry

Ms Roach, local resident

35. Ms Roach has recently visited the museum. It fits into the area well. She was astonished by Dr Ambedkar's achievements for the untouchables and for women and struck by his relevance to our current situation. Dr Ambedkar lived in the house and a museum to him is a positive addition to the area. Many residents were unaware of the museum and Ms Roach has not heard any objections from her neighbours. She has not seen buses full of people arriving or any traffic problems caused by the museum.

Mr Sunshine, London resident

36. Mr Sunshine has worked in India with the Dalit community. They would be deeply offended if the museum had to be removed and the property returned to a house. Dr Ambedkar is revered in India as a very important figure, his birthday being a public holiday. There would be widespread negative press coverage. It would be regarded as petty and mean spirited. There would be harm to Anglo-Indian relations at a time when good bi-lateral relations are needed. Many visitors request to visit the museum. It closes at 5 pm and does not attract buses full of people.

Ms Garnett, local resident

37. Ms Garnett knew about the museum from the blue plaque. It is open to all and welcomes people from the local community and beyond. There is scope to develop links between the museum and local community organizations. We live in polarized times with immense inequality. Primrose Hill is a wealthy area but there is a food bank nearby. We need a place like this museum. Dr Ambedkar was a remarkable man and the museum gives an opportunity for all to learn about him. Ms Garnett has spoken to other local residents, they were in favour of the museum.

Mr Hunt, London resident (Doc 9)

38. Mr Hunt is a music historian and writer, with involvement with Indian music and the culture of the sub-continent. He says that Dr Ambedkar is a hugely important figure, although less well-known to westerners. He was a social justice and human rights champion of world class status. The importance of this museum is still emerging. Living in London in this house gave Dr Ambedkar a period of

stability and time to study. He used to walk to Gray's Inn, the LSE or the British Museum. He would have witnessed suffering and emancipation going on around him and studied the writings of, for example, William Morris and John Ball. This experience shaped him and he went back to India to start his struggle. Dr Ambedkar's place in the Dictionary of National Biography is fully justified as someone who influenced our culture and society. There is no more suitable place in Britain than no.10 King Henry's Road. Lord Avebury, another human rights champion, wrote in 2015 that "*The presence of an Ambedkar Centre in the house where he lived in London should help us all to confront the evil of caste prejudice, as we did against racism a generation ago.*"

Mr Sat Pal Muman, Secretary of the Ambedkar International Mission (Doc 8)

39. Dr Ambedkar is regarded as the emancipator and liberator of the Untouchables of India. No.10 King Henry's Road has special importance for millions of people as the place where he lived in 1921-22 while studying at the LSE. He had previously studied at Columbia University. His stay at no.10 helped form his thinking and it has a spiritual connection to Dr Ambedkar. The museum was inaugurated in 2015 by Mr Narendra Modi, the Prime Minister of India. Retaining it will enable visitors to pay their respects to the memory and legacy of Dr Ambedkar.
40. Dr Ambedkar was born into the Untouchable caste but through his intellect and character rose to challenge social and religious prejudices. He became the first Law Minister of India. In the 1930's he had a role in conferences and commissions on the future of the sub-continent. He was pivotal in the independence movement and the chief architect of the Indian constitution. He left a legacy to the people of India. He is widely celebrated and was voted the greatest Indian in a poll in 2015. In addition to the large Dalit community in the United Kingdom the museum reaches out to people of different faiths who are inspired by Dr Ambedkar. It would be disproportionate if the museum was required to close.

Mr Raj Bangar (Doc 29)

41. In considering Dr Ambedkar's achievements the plight of Dalits before then must be considered. When at school Mr Bangar's father was not allowed in the classroom but had to sit outside. He was not provided with pencil or paper and not allowed to drink from the shared urn. Many pupils were beaten to death for not complying. Later generations, including Mr Bangar and his wife did not have to suffer this thanks to Dr Ambedkar's work. His experiences in the USA and the UK shaped Dr Ambedkar, who went on to emancipate millions of Indians. Mr Bangar has visited other places in India associated with Dr Ambedkar but nowhere else does he feel the connection with him that he experiences at No.10 King Henry's Road.

The Venerable Vijithavansa Thero (Doc 28)

42. The Venerable Vijithavansa Thero is a Buddhist monk from Sri Lanka. The monks have great respect for Dr Ambedkar, as does the wider community in Sri Lanka. He revived Buddhism in India so that there are now over 23 million Buddhists there. He was also one of the greatest academics, the chief architect of the Indian constitution, the first post-independence Law Minister and the greatest champion of rights for Dalits and for women. Closure of Ambedkar House would be seen as a negative action by the British government against Buddhists. It

would not be good for trade relations between Britain and Sri Lanka at a time when Britain is going through Brexit and needs to refresh trade relations with other countries. The museum should be allowed to continue to enable the unique achievements of Dr Ambedkar's great contribution to humanity to be remembered.

Written Representations

43. A resident of King Henry's Road does not object to the conversion to a museum but is concerned about the quality of building works carried out, including works to brickwork and panelling, the installation of a lift and the erection of a conservatory. A restriction on visitor numbers is suggested, with small groups arriving in small buses. There were objections by 2 local residents to an earlier planning application (2018/0942/P) for the conversion of the property to a memorial/museum and related building works. Their concerns included noise and disturbance, the volume of visitors, visitors arriving in coaches and lack of parking.

Conditions

44. An initial list of suggested conditions was submitted (Doc 3) and there was a discussion of conditions at the Inquiry. A schedule of recommended conditions is attached to this report for consideration if the appeal is to be allowed. The merits of this appeal rely heavily on the importance of Dr Ambedkar and the significance of no.10 King Henry's Road as a place where he lived. In that context it is recommended that, if planning permission is granted, it should be made personal to the State of Maharashtra.
45. To protect the amenity of local residents conditions controlling museum opening hours and requiring the submission of a museum management plan are recommended. The museum use has commenced so that the latter condition should be in the retrospective form set out in the schedule of recommended conditions. To promote sustainable modes of transport provision of cycle parking should be required. There is limited space at the front of the house, so that provision for a minimum of 2 cycles would be appropriate. Subject to the above conditions harm to residential amenity would be unlikely. Further conditions restricting visitor numbers and controlling the arrival of buses would not be necessary or reasonable.

Inspector's Conclusions

Main Issue

46. The appeal is made only on ground (a), that planning permission should be granted for the breach of planning control alleged in the enforcement notice. The deemed planning application is therefore for the change of use of no.10 King Henry's Road from 2 residential units (Class 3) to a museum (Class D1) including the erection of a single storey rear conservatory, alteration to boundary treatment including the addition of metal railings and alterations to the existing entrance steps, including the installation of a disabled platform lift to provide access to the upper ground floor. The main issue is whether any harm to the supply of housing is outweighed by other material considerations, including the benefits of this museum.

Consistency with Planning Policies

47. The development is not consistent with LP policy 3.14. That policy resists loss of housing unless it is replaced with housing of at least equivalent floorspace. This approach is continued in policy H10 of the DLP. However, it is common ground that the policies of the DLP should be accorded little weight in this appeal having regard to the stage of preparation it has reached.
48. CLP policy G1 is an overarching strategic policy. Policy H1 establishes that self-contained housing is the priority land use for the Local Plan. The change of use is not consistent with that priority. CLP policy H3 resists development involving a net loss of residential floorspace. The change of use to a museum does not fall within the exception set out in the policy for health premises. It conflicts with policy H3. The lawful use is 2 dwellings. The appellant asserts that the housing use would not be resumed if planning permission is not granted. Nevertheless, the change of use conflicts with criterion (c) of policy H3 in respect of the loss of 2 or more homes. Policy H2 concerns maximising the supply of self-contained homes from mixed-use schemes and its terms are not pertinent in this case. Notwithstanding its cultural role, a museum attracts visitors and has a tourism role. CLP policy E3 is relevant. The change of use to a museum conflicts with criterion (i) of that policy. It requires that tourism development does not lead to the loss of permanent residential accommodation.
49. CLP policy C1 deals with health and well-being and, amongst other things, seeks to ensure that local services provide cultural well-being. The Council's Infrastructure Study Update is consistent with that approach. The museum would contribute to that objective. Under policy C2 the Council is to work with partners to develop community facilities to meet the changing needs of the community. Criterion (i) of that policy refers to addressing the needs of community groups and fostering community integration. The museum has the potential to provide a community facility, which would be consistent with this policy. Amongst other things, policy C3 provides protection for cultural and leisure facilities. In this case the museum is unauthorised and does not fall within the ambit of that protection.
50. There are development plan policies which pull in different directions but the CLP establishes self-contained housing as its priority land use. In that context, and having regard also to the conflict with policies H3 and E3, it is concluded that the change of use to a museum would conflict with the development plan as a whole.

The Effect on Housing Supply

51. The appellant's evidence is that only one of the residential units was occupied when they acquired it. While that may have been the case, the lawful use remains as 2 dwellings and the effect on housing supply falls to be considered on that basis.
52. The 2017-2019 HMR states that the 5-year supply of deliverable sites for housing exceeds the CLP requirement. Nevertheless, in the context of the identified gap between housing need and the delivery capacity in London as a whole the Council's emphasis on the need to maximise housing supply is justified. Some fluctuation in delivery from year to year is to be expected. However, the low levels of delivery in 2017-18 and 2018-19 and projected for 2019-20 are of concern. They indicate that there may well be significant difficulty for the Council in housing delivery in the future. The Council's concern that housing targets are

likely to be revised upwards is also justified. Notwithstanding these matters the loss of dwellings resulting from the conversion of no.10 to a museum is limited to 2 units. That loss runs counter to the objective of maximising housing capacity and to the priority given to housing in the CLP. It would be a small loss in comparison with the annual CLP target of 1,120 dwellings per annum and would not prevent there being a 5-year housing land supply as things stand. It would have only a small effect on housing supply.

The Significance of Dr Ambedkar

53. The material considerations weighing in favour of the appellant concern primarily the significance of Dr Ambedkar, his link with no.10 and the benefits of having a museum dedicated to him in this location. There is ample evidence to demonstrate the stature of Dr Ambedkar. It is derived from his work to enshrine human rights for Dalits and for women in India's constitution, his contribution to setting up India's banking system, his role as Law Minister, his influence in the period leading up to India's independence from the British Empire and his founding of Navayana Buddhism. Dr Ambedkar is a major figure in Indian and British history.

No.10 King Henry's Road and Dr Ambedkar

54. The Council's assessment is based, in part, on comparison with the Freud and Goldfinger museums. The link between the historical figure and the museum in this case is less strong than that in the Goldfinger Museum. The period of residence is comparable to that of Sigmund Freud at no.20 Maresfield Gardens but the circumstances in that case and the contents of the museum are very different. Detailed comparison with such a small sample of museums is of limited value in this appeal. The circumstances of each case vary greatly and require assessment on their own merits.

55. Dr Ambedkar's place of residence has a more personal association with him than, for example, the LSE. He would have attended there with many others. The balance of evidence is that he lived at no.10 for at least 13 months and quite possibly longer. This is a not inconsiderable period and much longer than anywhere else he is known to have lived while in London. In addition, he retained a link with no.10 through correspondence for a long period after returning to India. The evidence of Ms Dass and Professor Gould on the importance of this period of residence at no.10 in the evolution of Dr Ambedkar's philosophy and of its linkages to his later achievements is convincing. There is, for example, a direct linkage between his studies while at no.10 and the setting up of the Reserve Bank of India.

56. There is extensive evidence that a strong personal and spiritual link between no.10 and Dr Ambedkar is widely perceived, particularly amongst people of Indian heritage. This is explained in the evidence of Ms Dass and Professor Gould. It is perhaps most graphically illustrated in the extensive entries in the Ambedkar House visitor book (Docs 16-18) and by the evidence given by interested parties at the Inquiry, including that of Mr Banger, Mr Hunt and Mr Muman. It is also set out in the letters from the Indian High Commission and Ms Chakrobarty. The designation of no.10 as a place of pilgrimage to Dr Ambedkar and the holding, since 2000, of an annual memorial walk from no.10 to the LSE further reinforce this link.

57. The museum is well-presented and provides a welcoming environment. Its current collection focusses heavily on photographs, books and copies of documents relevant to Dr Ambedkar. There is also his bust, his statue in the rear garden and a recreation of his bedroom. It is likely that further enhancement of the museum's collection has been inhibited by its planning status. The museum has operated on a low-key basis. There is scope to develop the collection further, perhaps in co-operation with other memorials to Dr Ambedkar in India. The Government of Maharashtra is well placed to secure that development. The museum complements other memorials to Dr Ambedkar, including those at the LSE, Gray's Inn and in India. It is likely to be of particular interest to the substantial Indian diaspora in this country. It is also of wider interest in the context of Dr Ambedkar's role in India leaving the British Empire and becoming independent. As Lord Harries explains, there is likely to be scope for the museum to have educational value. The museum use would provide cultural benefits to the borough and would enhance tourism to a degree.
58. The installation of the blue plaque in 1991 was indicative of the importance attached to the association of no.10 with Dr Ambedkar. The fact that it was not installed under the English Heritage scheme should carry little weight. The suitability of no.10 for designation as a listed building is not at issue in this appeal. It also merits little weight. It is concluded that the association of no.10 King Henry's Road with Dr Ambedkar should carry considerable weight in the appellant's favour.

The effect on no.1-49 and 8-54 King Henry's Road

59. The operational works associated with the change of use to a museum comprise the erection of the conservatory, alterations to boundary treatment including the addition of metal railings and work to the entrance steps to provide a stair-lift. These works are part of the enforcement notice allegation but the notice does not require their removal. The conservatory is to the rear of the property and the other works are minor. They are not harmful to the significance of the non-designated heritage asset which comprises nos.1-49 and 8-54 King Henry's Road.

Other matters

60. If planning permission was granted in this case it would rest, to a large extent, on the stature of Dr Ambedkar and his association with no.10 King Henry's Road. Similar circumstances are unlikely to be a common occurrence and there would be little risk of creating a harmful precedent. The appellant did not undertake a formal assessment of possible locations for the museum and the Council refers to the possibility of a museum to Dr Ambedkar somewhere else. However, there is no evidence of that outcome being likely if this appeal fails.
61. The museum is within a short walk of an underground station and there are bus stops nearby. This weighs in the appellant's favour. The balance of evidence is that the museum has not resulted in harm to residential amenity in the surrounding area. Subject to the conditions referred to above the change of use to a museum would be unlikely to result in such harm. While not its primary function, the museum could accommodate local community groups and functions, although the need for that has not been assessed.

The overall balance

62. The change of use to a museum is contrary to the development plan when considered as a whole (IR47-50). There would be the loss of two residential units but only a small degree of harm to the supply of housing (IR51-52). Weighed against that there is the significance of Dr Ambedkar, the degree of association of no.10 with him and the benefits of having a museum dedicated to him in a location with good accessibility by public transport (IR53-58). It is concluded that the conflict with the development plan and the harm arising from the change of use to a museum is outweighed by these material considerations so that the appeal should succeed. The enforcement notice should be corrected and quashed. Planning permission should be granted for a change of use to a museum together with the related operational development.
63. Due regard must be paid to the requirements of the Equality Act, 2010. The development would be of particular significance to persons with protected characteristics of race and religion. They include the Dalit community, others of Indian heritage and Navayana Buddhists. It is concluded that a dismissal of this appeal would fail to foster equality of opportunity and good relations between persons who share a relevant protected characteristic and those who do not share it. These considerations add weight to the conclusion that the appeal should succeed.

Recommendations

64. It is recommended that the enforcement notice is corrected by the replacement of the words at 5.1 with the words: "Cease the use as a museum."
65. It is further recommended that the enforcement notice as corrected is quashed and that planning permission is granted on the planning application deemed to have been made under section 177(5) of the Act as amended that being for the change of use of no.10 King Henry's Road London, NW3 3RP from 2 residential units (Class 3) to a museum (Class D1) including the erection of a single storey rear conservatory, alteration to boundary treatment including the addition of metal railings and alterations to the existing entrance steps including the installation of a disabled platform lift to access the upper ground floor subject to the conditions set out in the schedule attached to this report.
66. Should the Secretary of State decide that planning permission should not be granted, it is recommended that the enforcement notice be corrected as set out above and upheld.

K Williams

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Ms C Daly, of Counsel.

She called:

Mr N Baxter
MSc Senior Conservation Officer, London Borough of Camden.

Mr M Candler
BA(Hons)
PGDip, FRSA Manager, Arts Development Team, London Borough of Camden.

Mr R Yeung
BA, MRTPI Planning Officer, London Borough of Camden.

FOR THE APPELLANT: Mr S Gasztowicz, of Queen's Counsel.

He called:

Mr J Sullivan
MA, BSc, MRTPI Icen Projects Ltd.

Professor W Gould
MA, MPhil, PhD Professor of Indian History, University of Leeds.

Ms S Dass President of the Ambedkarite and Buddhist Organisations UK.

INTERESTED PARTIES

Ms Roach Local resident.

Mr Sunshine London resident.

Mr Muman Secretary, Ambedkar International Mission.

Mr Hunt Music historian and writer.

Ms Garnett Local resident.

Mr Bobhakar Local resident.

Mr Bangar Local resident.

The Venerable Vijithavansa Thero Buddhist monk.

LIST OF INQUIRY DOCUMENTS

1. Council's letter of notification of the Inquiry.
2. Council's opening statement.
3. List of suggested conditions.
4. Statement of Common Ground.
5. India Weekly article, 12 April 1973.
6. Council's Annual Monitoring Report 2017/2018.
7. Council's Proofs of Evidence Errata document.
8. Statement of Mr Sat Pal Muman.
9. Statement of Mr K Hunt.
10. Graya News, Power of Change article.
11. Article on the unveiling of a commemorative plaque.
12. Statement of Ms Garnett.
13. Paginated copy of appellant's appendix 10.
14. Extract from Camden Local Plan, policy H2 and related text.
15. Press Release by Press Trust of India, 22 March 2016.
16. Translation of parts of appellant's Appendix 10 by R Snehal.
17. Translation of parts of appellant's Appendix 10 by F Chhapia.
18. Translation of parts of appellant's Appendix 10 by F Chhapia.
19. Icen letter of 8 October 2019 with Professor Gould's note on Dr Ambedkar's periods of residence in the UK.
20. Council's email of 10 October 2019.
21. Ambedkar International Mission letter, 15 September 2019.
22. Alderman Bishan Dass letter, 27 August 2019.
23. Emails between the Council and the Hindustani Times, various dates.
24. Camden Local Plan, 2017.
25. Errata to Mr Sullivan's proof of evidence.
26. L B Camden, Infrastructure Study Update, 2015, URS.
27. Front and back covers of An Illustrated History of Gray's Inn, 2018.
28. Draft statement of the Venerable Vijithavansa Thero.
29. Statement of Mr Raj Bangar.

30. Letter from Dr Ambedkar to Professor Seligman, 16 February 1922.
31. Letter from Dr Ambedkar, 25 February 1921.
32. Letter in Maharathi language addressed from no.10 King Henrys Road, 6 October 21.
33. Council's closing submissions.
34. Appellant's closing submissions.
35. Extract from the Equality Act, 2010.
36. List of those attending the accompanied site visit, 16 October 2019.

Schedule of Recommended Conditions

1. The use hereby permitted shall be carried on only by the State of Maharashtra of India for the Dr Ambedkar museum. The use shall cease should the State of Maharashtra of India cease to use the premises for the Dr Ambedkar museum.
2. The museum shall not be open to visitors other than between the following times: 11:00 to 17:00.
3. The use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 6 months of the date of this decision, or such other period as the local planning authority may agree in writing, a Museum Management Plan shall be submitted in writing to the local planning authority. It shall include details of: means of communicating museum opening times to the public; arrangements for visits by parties including dropping off and picking up arrangements; measures to control noise; the placing of statues or artefacts outside the building (if proposed); external lighting (if proposed) and a timetable for the implementation of each element of the Museum Management Plan;
 - ii) If within 14 months of the date of this decision the local planning authority refuse to approve the Museum Management Plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - iv) The approved Museum Management Plan shall have been carried out and implemented in accordance with the approved timetable. Upon implementation of the approved plan it shall thereafter continue in operation.

In the event of a legal challenge to this decision the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. Details of a secure cycle storage facility for a minimum of 2 cycles shall be submitted to the local planning authority in writing within 3 months of the date of this decision. The cycle storage facility shall be installed in accordance with the approved details within 6 months of that approval and shall thereafter be retained.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.