

	<p><b>Hendon Area Planning Committee</b></p> <p><b>19 January 2017</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Planning Enforcement Quarterly Update October 2016 to December 2016</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Interim Head of Development Management</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Fabien Gaudin - Interim Head of Development Management  <a href="mailto:fabien.gaudin@barnet.gov.uk">fabien.gaudin@barnet.gov.uk</a>, 020 8359 4258</p>

### Summary

The report provides an overview of the planning enforcement function in the period between October and December 2016.

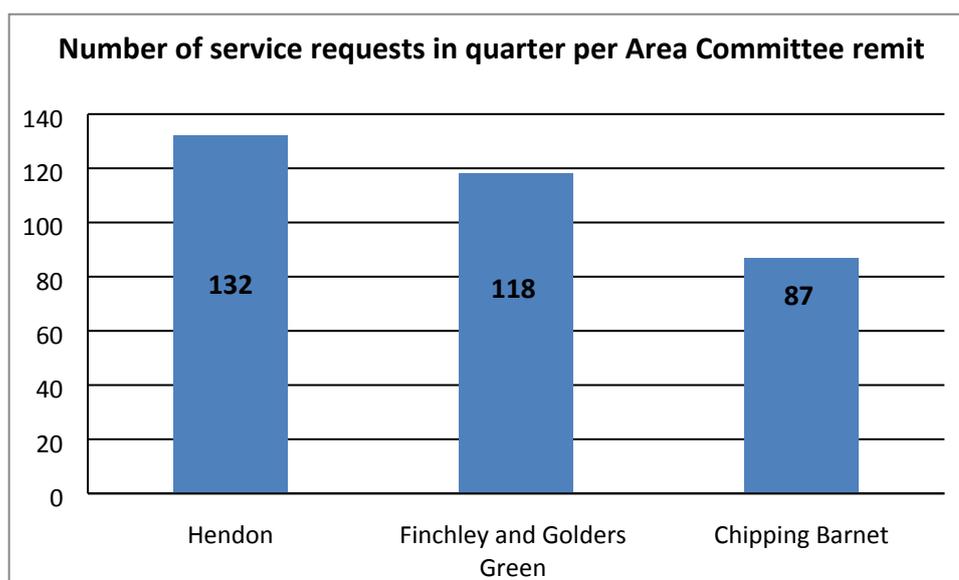
### Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of October to December 2016.

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of October to December 2016.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

In the period between October and December 2016, 317 service requests were received, alleging potential breaches of planning control. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Hendon	
Ward	Number of service requests Oct-Dec 2016
Burnt Oak	12
Colindale	8
Edgware	18
Hale	15
Hendon	27
Mill Hill	25
West Hendon	27

Finchley and Golders Green	
Ward	Number of service requests Oct-Dec 2016
Childs Hill	36
East Finchley	9
Finchley Church End	10
Golders Green	20
Garden Suburb	11
West Finchley	13
Woodhouse	19

Chipping Barnet	
Ward	Number of service requests Oct-Dec 2016
Brunswick Park	17
Coppetts	12
East Barnet	8
High Barnet	14
Oakleigh	15
Totteridge	13
Underhill	8

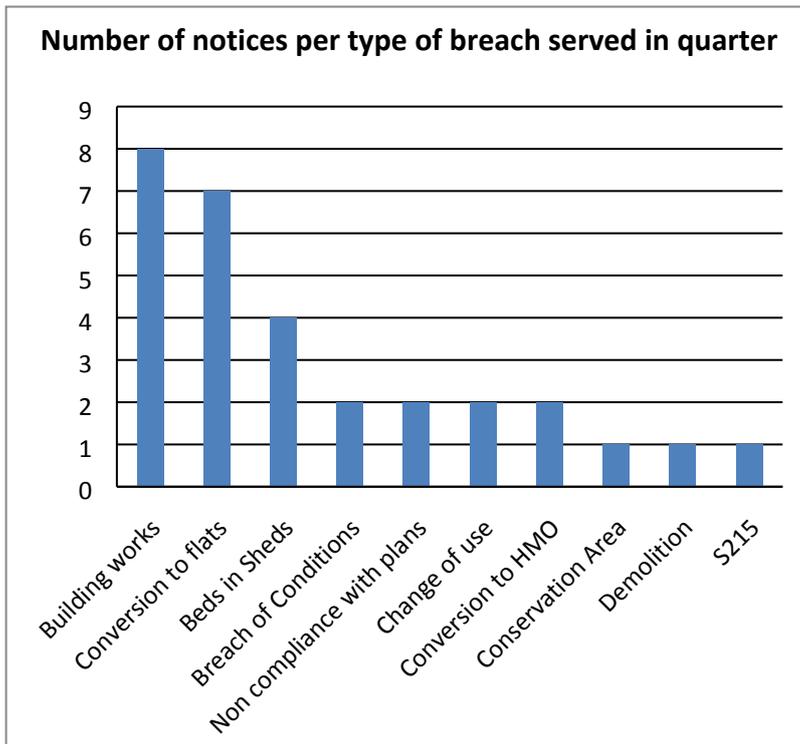
Future quarterly updates will show the evolution of number of requests quarter on quarter.

#### 1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve on, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.3 shows details of such cases resolved in the period between October and December 2016

In the period between October and December 2016, 30 Enforcement Notices of all types were served. Whilst the majority of cases related to building works,

a significant proportion related to unlawful residential uses (flats, beds in sheds and HMOs).



### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2016

	Number of cases closed
<b>Full compliance</b> following serving of enforcement notice	19
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	76
<b>Lawful development</b> No breach of planning control was identified following investigation	130
<b>Breach detected</b> but harm insufficient to justify enforcement action	51
<b>Total</b>	276

Future quarterly updates will show the evolution of number of requests quarter on quarter.

## 1.6 Prosecution updates

### Finchley and Golders Green

Two prosecutions in the Golders Green ward reached judgment in December – 279 Golders Green Road and 90 The Drive. Both cases concerned the sub-division of a property into multiple flats. However, in both instances the convictions are being challenged, with sentencing and the ‘Proceeds of Crime’ implications of the convictions being held in abeyance subject to the outcome.

The first hearing in the 42 Clifton Gardens deception case was heard in Willesden Magistrates’ Court on 20 December 2016. The council is applying for a ‘Planning Enforcement Order’ after evidence came to light that suggested the householder had actively deceived the Council as to the true nature of his use of the property during an earlier investigation. The case continues.

Discussions regarding the payment of £555,954.49 owed to the state following the judgment in 11 Quantock Gardens continue. The defendant had been ordered to pay the sum under the ‘Proceeds of Crime’ Procedure following his conviction for illegally sub-dividing his semi-detached property and his unsuccessful challenge in the Court of Appeal.

Sentencing in the case of 24 Llanvanor is expected to take place in early 2017 following the exchange of financial information between Council and defendant during the last quarter. The defendant’s conviction for failing to comply with a planning enforcement notice was upheld at Harrow Crown Court in August 2016

### Hendon

On 6 December 2016 Kelly communications pleaded guilty to the charge of damaging the roots of 4 protected trees during the course of digging a trench for communications cables. The company was fined £3000 and ordered to pay the Council’s costs of £4398 and a victim surcharge of £120.

### Chipping Barnet

In December a date of 10 January 2017 was been set for the hearing of the Stanryk House advertisement prosecution. The developer Relic Homes is charged with unlawfully displaying large advertisements on the hoarding which surrounds the site of their development at 38 Totteridge Village. Relic Homes had previously partially complied with officer requests to remove advertisements but officers’ considered that those that remained continued to cause significant detriment to the amenity of the conservation area.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 Not Applicable

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Not Applicable

## **4. POST DECISION IMPLEMENTATION**

4.1 Not Applicable

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 Not applicable

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Not applicable

### **5.3 Social Value**

5.3.1 Not applicable

### **5.4 Legal and Constitutional References**

5.4.1 Not applicable

### **5.5 Risk Management**

5.5.1 Not applicable

### **5.6 Equalities and Diversity**

5.6.1 Not applicable

### **5.7 Consultation and Engagement**

5.7.1 Not applicable

### **5.8 Insight**

5.8.1 Not applicable

## **6. BACKGROUND PAPERS**

6.1 None