

	<h2>Hendon Planning Committee</h2> <h3>9<sup>th</sup> May 2017</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Planning Enforcement Quarterly Update January 2017 to March 2017</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>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, <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 January 2017 and March 2017.

### Recommendation

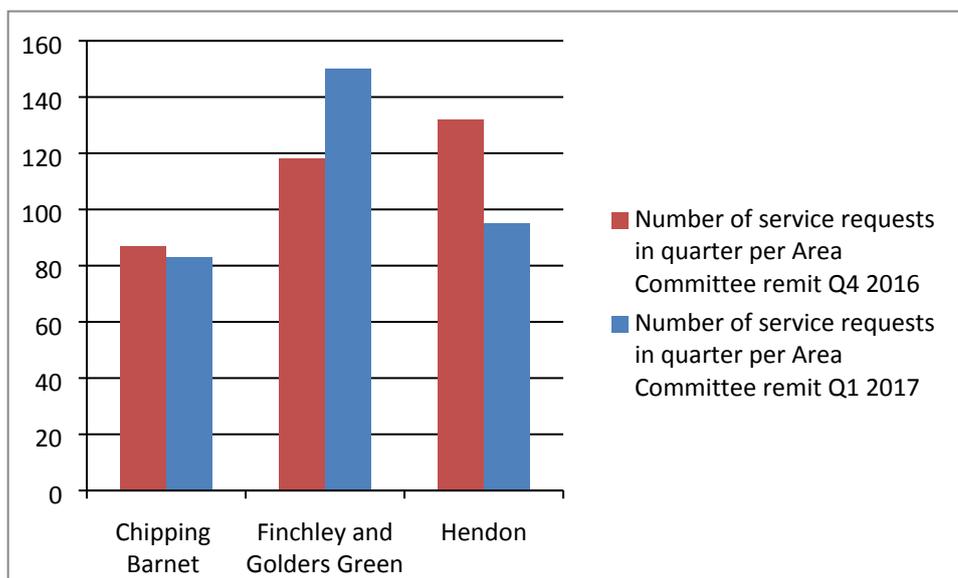
1. That the Committee note the Planning Enforcement Quarterly Update for the period of January to March 2017.

## **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 January to March 2017.
- 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 January and March 2017, 371 service requests were received, alleging potential breaches of planning control which is approximately 10% higher than in the previous quarter. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet		
Ward	Q1 2017	Q4 2016
Brunswick Park	8	17
Coppetts	20	12
East Barnet	20	8
High Barnet	24	14
Oakleigh	11	15
Totteridge	17	13
Underhill	10	8

Hendon		
Ward	Q1 2017	Q4 2016
Burnt Oak	12	12
Colindale	4	8
Edgware	17	18
Hale	18	15
Hendon	26	27
Mill Hill	21	25
West Hendon	13	27

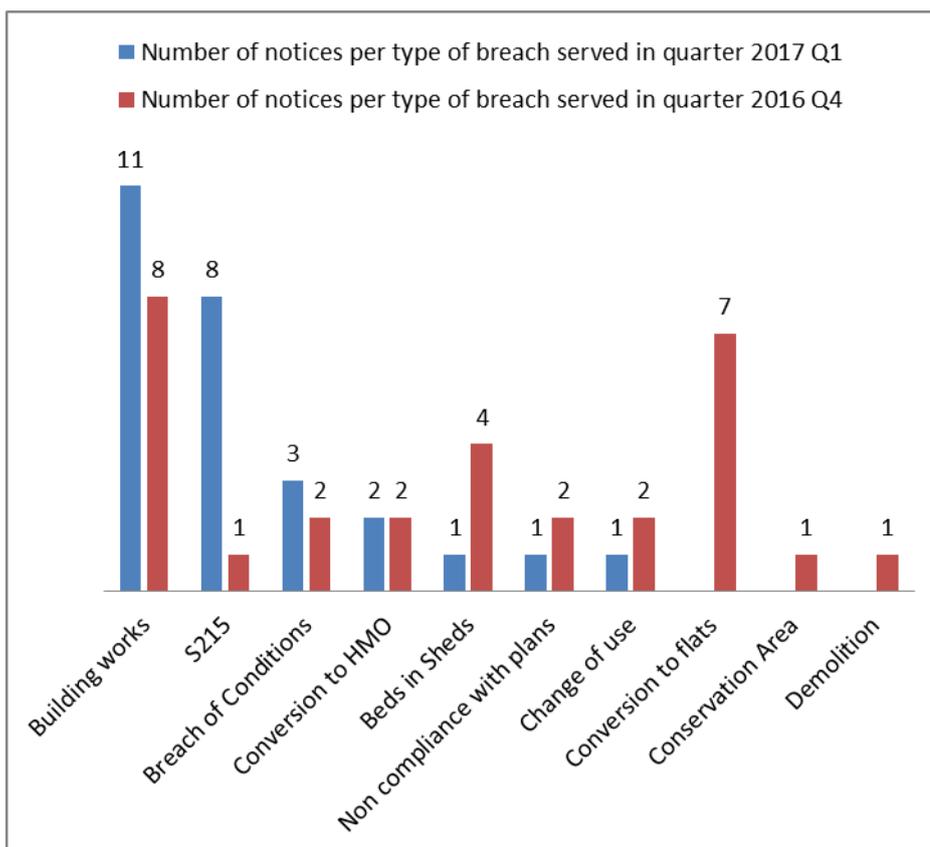
Finchley and Golders Green		
Ward	Q1 2017	Q4 2016
Childs Hill	47	36
East Finchley	7	9
Finchley Church End	20	10
Golders Green	19	20
Garden Suburb	18	11
West Finchley	12	13
Woodhouse	27	19

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 one, 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 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 27 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is comparable to the 30 notices served in the previous quarter. Notices relating to building works continue to constitute the most common type of notices served across the Borough. Since the last quarter, there was an increase in number of s215 notices that increased from 1 to 8.



### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between January and March 2017

	Number of cases closed Q1 2017	Number of cases closed Q4 2016
<b>Full compliance</b> following serving of enforcement notice	11	19
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	42	76
<b>Lawful development</b> No breach of planning control was identified following investigation	167	130
<b>Breach detected</b> but harm insufficient to justify enforcement action	22	51
<b>Total</b>	<b>242</b>	<b>276</b>

It should be noted that almost seven out of ten investigations completed in the last quarter revealed that no breach of planning control had occurred on site.

Of the 75 sites where a breach was detected, it was necessary to carry out works in 70 % of cases (either via a formal or informal route). The proportion of sites where a breach was detected but insufficient harm to justify enforcement action was identified reduced from 35% to 30% quarter on quarter. Examples of why no action was taken vary and include the following reasons:

- A site in the Oakleigh Ward was granted permission for the construction of a new house. A garage was demolished prior to the owner submitting details of a 'Demolition & Construction Method Statement'. The garage was demolished without incident and no further construction works are taking place. A warning was issued to the owner who was advised that no further works should be carried out to implement the approved planning permission without all pre-commencement conditions being discharged and that failure to adhere to the conditions may lead to further planning enforcement action.
- A breach in the Totteridge Ward was noticed on site by one of the Council's tree officers and related to potential harm to protected trees. Levels details and details of replacement planting have now been approved and no further action is possible at this time. The case will be reopened if the condition of the retained trees significantly deteriorates or the replacement trees fail to establish.
- A case was closed for a breach in the Woodhouse ward relating to the height of an extension exceeding an approved planning permission. Following a site visit and review of the extension, officers came to the conclusion that the extension as built from a height perspective would have been given planning permission. This is because the maximum height of the extension at the site is lower than a larger extension that has been approved at the neighbouring site.

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

## 1.6 Notable cases updates

### Finchley and Golders Green

The landlord of 11 Quantock Gardens, NW2 has paid the first instalment of £212,000 of the £ 555,954 owed under the 'Proceeds of Crime' provisions for the unlawful conversion of the property into flats.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems following the convictions of the respective owners for breaches of planning enforcement notices. The Council is pursuing Proceeds of Crime in relation to each.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. A judgment is expected in July.

A District judge sitting at Willesden Magistrates' Court has finished hearing evidence in the 'deception' case concerning the sub-division of a property in Clifton Gardens, NW11. This is the first type of this case that the Council has pursued. Counsel on both sides have been asked to provide closing submissions in writing with a judgment expected in June. If the LPA is successful in its claim it will be able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds that the owner attempted to hide the alleged breach from investigating officers.

### Hendon

A rear extension has been demolished at 10 Hillview Gardens. A planning enforcement notice had previously been upheld by a planning inspector following a public Inquiry held In September 2016.

### Chipping Barnet

The notice served in respect of the residential development of 'The Spinney' 24 Hendon Wood Lane has been upheld at appeal albeit the inspector agreed after hearing submissions to the public inquiry that the time period for compliance should be extended from 5 months to 9 months. The owner of the Spinney had brought many cabins and caravans on site to provide a large number of dwellings. Although the LPA had to accept that the initial complaint from a member of the public had come too late to allow for full clearance of the site the notice demands a substantial reduction. Colleagues in the Metropolitan Police (MPS), London Fire Brigade (LFB) and environmental health who had supported the planning department's actions have been informed of the outcome

Work on securing and clearing the abandoned factory at Allum Way (opposite Totteridge and Whetstone Tube station) continues. The planning department and the MPS took joint action with the aim of first securing and then demolishing the derelict structure. The MPS and LFB had previously expressed their concerns that if the building was allowed to remain in its previous state a risk of serious injury or death to trespassers or members of the emergency services would continue to exist. The LPA agreed with this observation whilst also noting that the structure was a visually obtrusive feature and that the land could be put to better use.

## **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