

	<p align="center"><b>Finchley And Golders Green Planning Committee</b></p> <p align="center"><b>19<sup>th</sup> July 2017</b></p>
<p align="center"><b>Title</b></p>	<p align="center"><b>Planning Enforcement Quarterly Update April 2017 to June 2017</b></p>
<p align="center"><b>Report of</b></p>	<p>Head of Development Management</p>
<p align="center"><b>Wards</b></p>	<p>All</p>
<p align="center"><b>Status</b></p>	<p>Public</p>
<p align="center"><b>Urgent</b></p>	<p>No</p>
<p align="center"><b>Key</b></p>	<p>No</p>
<p align="center"><b>Enclosures</b></p>	<p>None</p>
<p align="center"><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>

<b>Summary</b>	
<p>The report provides an overview of the planning enforcement function in the period between April 2017 and June 2017.</p>	

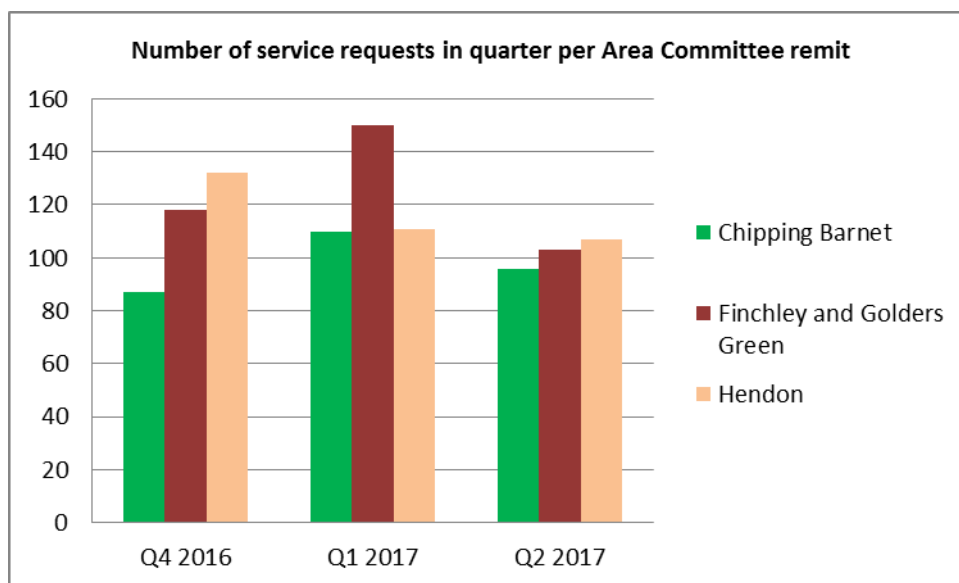
<b>Recommendation</b>	
<p><b>1. That the Committee note the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.</b></p>	

## **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 issued 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 April to June 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 April and June 2017, 306 service requests were received, alleging potential breaches of planning control which is the lowest number of request since the summer (337 in Q4 of 2016 and 371 in Q1 of 2017). As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet			
Ward	Q2 2017	Q1 2017	Q4
Brunswick Park	14	8	17
Coppetts	9	20	12
East Barnet	16	20	8
High Barnet	13	24	14
Oakleigh	13	11	15
Totteridge	18	17	13
Underhill	13	10	8

Finchley and Golders Green			
Ward	Q2 2017	Q1 2017	Q4
Childs Hill	30	47	36
East Finchley	10	7	9
Finchley Church End	12	20	10
Golders Green	17	19	20
Garden Suburb	8	18	11
West Finchley	12	12	13
Woodhouse	14	27	19

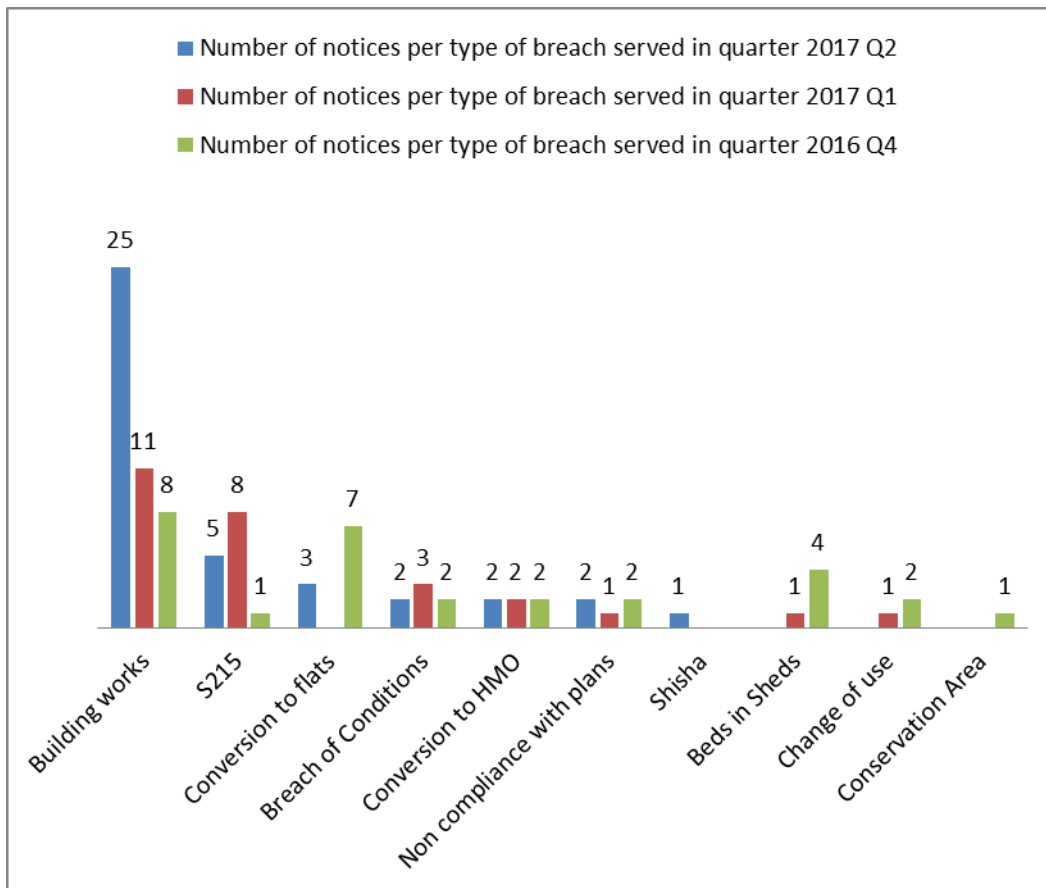
Hendon			
Ward	Q2 2017	Q1 2017	Q4
Burnt Oak	13	12	12
Colindale	6	4	8
Edgware	13	17	18
Hale	16	18	15
Hendon	12	26	27
Mill Hill	22	21	25
West Hendon	16	13	27

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, 40 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from 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.



### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between April and June 2017

	Number of cases closed Q1 2017	Number of cases closed Q1 2017	Number of cases closed Q4 2016
<b>Full compliance</b> following serving of enforcement notice	18	11	19
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	82	42	76
<b>Lawful development</b> No breach of planning control was identified following investigation	254	167	130
<b>Breach detected</b> but harm insufficient to justify enforcement action	61	22	51
<b>Total</b>	<b>415</b>	<b>242</b>	<b>276</b>

The number of completed investigations has significantly increased quarter on quarter and this is reflective of the additional capacity in the Planning Enforcement Team as officers are able to review older, less urgent cases and close more cases than are received.

## 1.6 Direct Action

Between 24 June and 1 July the Council undertook three direct actions. In each occasion land was cleared of waste and overgrowth by Greenspaces contractors appointed by planning officers. It is hoped that these actions will mark the start of an enduring and successful relationship between the two services.

The three initial sites were 6 Gaydon Lane, NW9; 44 Alverstone Avenue, EN4; and land adjacent 2 Birley Road, N20. Although the actions did not go entirely without incident officers are happy with the results of the work.

Where direct action is taken the costs in so-doing can be claimed against the owner of the land. How the debt if enforced is discretionary and can be recouped in a number of ways, the choice of method depending on relevant circumstances.

## 1.7 Notable cases updates

### Finchley and Golders Green

A District judge has determined that the owner of 42 Clifton Gardens, NW11 deceived the council in relation to the use of this property. This is the first type of this case that the Council has pursued and one of the first in the country. The LPA is now able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds of the deception.

The Council has agreed that the landlord of 11 Quantock Gardens, NW2 should be able to sell a property that had previously been the subject of a restraint order in order to fund the £555,954 owed under the Proceeds of Crime Act (POCA). The landlord had previously paid the first instalment of £212,000. The total bill to the landlord once POCA, costs and fine and calculated was approximately £<sup>3</sup>/<sub>4</sub> million

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. The Council is pursuing Proceeds of Crime in relation to each. Convictions have been obtained in respect of the first two cases with a trial for the third scheduled for mid-August.

The Council is pursuing POCA in relation to a property on Hendon Way where the owner failed to attend Court to answer charges put to him. The Act allows

public authorities to pursue defendants who are believed to have absconded from justice.

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 late July / early August.

The High Court injunction case concerning Pentland Close continues. The defendant, who has previously been imprisoned for continuing to store waste and materials at his house, failed/was unable to attend a hearing at the Royal Courts of Justice. The case has been adjourned until early August. The Council is requesting that the defendant serve a further term of imprisonment.

### Hendon

Officers have obtained a warrant to force entry into an outbuilding they suspect to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service.

### Chipping Barnet

An enforcement notice served in respect of the use of a shop in Lytton Road, EN5 as a gym has been upheld on appeal. The notice had alleged that the noise of the activity and the long hours of operation caused undue noise and disturbance to nearby residents.

Unfortunately appeals were lost by the Council in respect of 'Boyden's Café', Potters Road, EN5 and 'Fairlawn', 11 Capel Road, EN4. In both cases the Council was defending committee decisions that had resulted in enforcement notices being served.

### Borough-wide

A further seven recommendations for prosecutions were made to HB public law in June. A key issue relates to the display of large advertisements atop domestic vehicles parked at prominent points on the public highway. The trend for this type of opportunistic advertising appears to be on the rise with incidents seen throughout the borough.

## **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