

	<p align="center">Finchley and Golders Green Planning Committee</p> <p align="center">18th January 2018</p>
<p align="center">Title</p>	<p align="center">Planning Enforcement Quarterly Update October 2017 to December 2017</p>
<p align="center">Report of</p>	<p>Head of Development Management</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Urgent</p>	<p>No</p>
<p align="center">Key</p>	<p>No</p>
<p align="center">Enclosures</p>	<p>None</p>
<p align="center">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Chipp

Summary

The report provides an overview of the planning enforcement function in the period between October 2017 and December 2017.

Recommendation

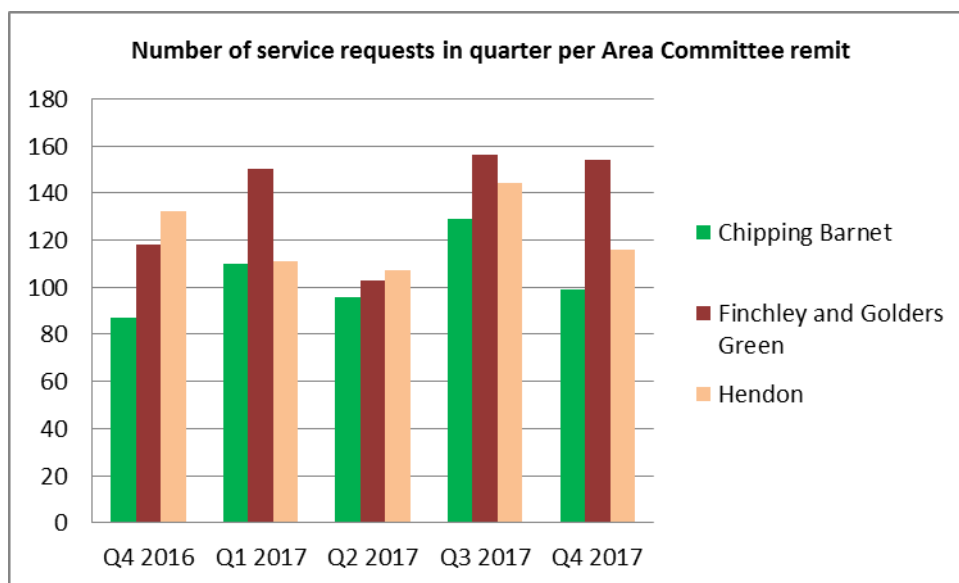
1. That the Committee note the Planning Enforcement Quarterly Update for the period of October 2017 to December 2017.

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 October to December 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 July and September 2017, the Council received 429 requests to investigate an alleged breach of planning control which is the highest number of requests in the past year. As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Brunswick Park	7	21	14	8	17
Coppetts	8	19	9	20	12
East Barnet	13	15	16	20	8
High Barnet	19	28	13	24	14
Oakleigh	15	16	13	11	15
Totteridge	26	20	18	17	13
Underhill	11	25	13	10	8

Finchley and Golders Green					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Childs Hill	41	56	30	47	36
East Finchley	6	16	10	7	9
Finchley Church End	23	12	12	20	10
Golders Green	31	28	17	19	20
Garden Suburb	20	21	8	18	11
West Finchley	19	12	12	12	13
Woodhouse	14	11	14	27	19

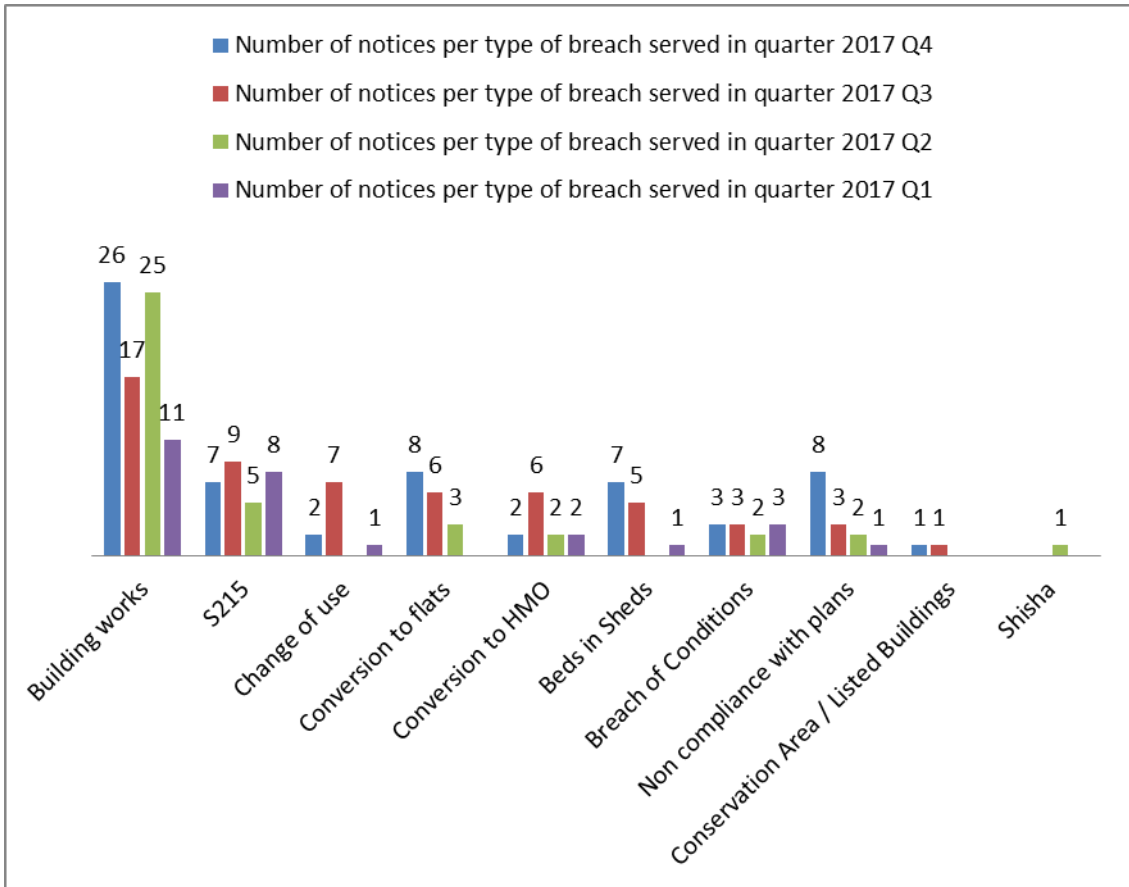
Hendon					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	14	21	13	12	12
Colindale	10	11	6	4	8
Edgware	9	22	13	17	18
Hale	16	19	16	18	15
Hendon	26	26	12	26	27
Mill Hill	15	13	22	21	25
West Hendon	26	17	16	13	27

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

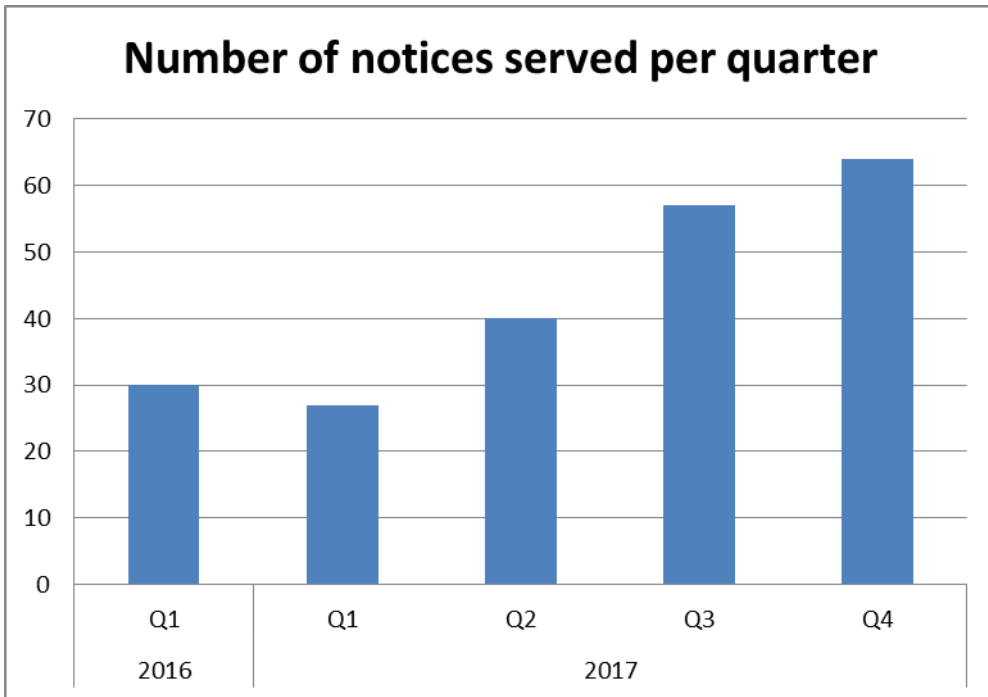
1.4 Formal Enforcement Action

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, 64 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 57 in Q3, 40 in Q2 and 30 notices served in Q1 and is an all time high for the Council. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a continued increase in the number of more complex notices served against unlawful residential uses: 8 notices were served against unlawful flat conversions, 2 against unlawful Houses in Multiple Occupancy and 7 against Beds in Sheds.



The increase in the number of notices served has been sustained throughout 2017.



Benchmarking:

The Department for Communities and Local Government recently released planning applications and enforcement statistics for the period ending September 2017.

According to those statistics, Barnet now has the fourth busiest enforcement team in the country. According to the official figures, the team served 111 enforcement notices out of a total of 143 of all types in the year ending in September 2017. This is up from eighth for the year ending September 2016 and Barnet's highest ever position in the standings. The mean annual return of enforcement notices from all 339 planning authorities was 13.7.

1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2017

	Q4 2017	Q3 2017	Q2 2017	Q1 2017
<u>Full compliance</u> following serving of enforcement notice	35	42	18	11
<u>Informal compliance</u> Works carried out and/or use ceased with breach resolved informally	73	117	82	42
<u>Lawful development</u> No breach of planning control was identified following investigation	232	282	254	167
<u>Breach detected</u> but harm insufficient to justify enforcement action	52	101	61	22
<u>Total</u>	392	542	415	242

The decrease in the number of completed investigations compared to the last quarter is reflective of the fact that officers have reviewed a significant number of older less urgent cases and have focused on the serving of enforcement notices as highlighted in section 1.4.

1.6 Notable cases updates

Finchley and Golders Green

In early December the Council successfully prosecuted the owners of 279 Golders Green Road, NW11 for converting the house into flats. The case was re-opened in summer on the basis of representations made by the owner who had previously been found guilty in his absence of the same offence. The case has been adjourned for sentencing and confiscation.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 97 Hendon Way 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 and the third is following a different procedure due to the defendant being out of the country.

The Council was successful in its Prayle Grove court appeal hearing which began in April 2017 and was awarded its full costs in defending the notice. The works required by the upheld notice were completed and it is understood that the house will be brought back into occupation very soon.

A notice directed against the unauthorised use of 45 Etchingham Park Road, N3 has been upheld after a public inquiry. The owners now have until 11 May to restore the property to a single dwelling. The Council was awarded its full costs in defending its notice due to failures on the part of the appellant. The Council was also successful at a hearing into unauthorised extensions at 14 Golders Manor Drive, NW11. The majority of appeals are dealt with by way of written representations rather than at hearings or inquiries and officers are always happy with successful verdicts after being subjected to cross examination.

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, was convicted for a second time in August and handed a 3 month custodial sentence suspended for three years. The Council will approach the Courts with a request that the sentence be activated due to an apparent failure to undertake the works required by the High Court judge.

The Council took the rare and serious step of serving a stop notice in respect of a domestic basement in Golder Manor Drive. Colleagues in Building control and the health and safety executive had voiced grave concerns about the site and asked if planning enforcement could assist. Work on the basement has now come to a halt whilst a planning application is considered. Stop notices are generally reserved for instances where damage can be irreparable or the consequences of the activity of the most serious nature and compensation may be paid where sufficient justification for such a notice does not exist.

Hendon

A trial in respect of a beds in sheds case in Kings Close, NW4 is due to begin in early 2018. Officers had previously obtained a warrant to force entry into the outbuilding they suspected 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.

Chipping Barnet

The “shanty town” development at Hendon Wood Lane that was the subject of television and press headlines has been removed and its residents relocated. A small number of residents remain in buildings that had become immune from enforcement action prior to the Council receiving reports of a possible breach of planning control.

Borough-wide

‘Junk and Disorderly’ a waste removal company was successfully prosecuted for the permanent display of adverts on cars parked at prominent points on the public highway. The offending vehicles have been removed and officers are now speaking to other companies that are putting up similar unneighbourly and obtrusive signs.

Phase two of the joint planning enforcement / greenspaces direct action project was completed in December. This phase saw further untidy sites being cleared; The destruction of an unauthorised hardstanding on a grass verge and; The planting of trees to replace some unlawfully felled. The owners are being chased for the costs of undertaking the works. Preparations for a phase three in early 2018 are already well-advanced.

A further seven recommendations for prosecutions were made to HB public law in during the period covering a range of development types

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

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A. All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum. **Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.**

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