

Planning Enforcement Service

WHAT WE DO:

The Planning Enforcement Service's key role is to:

Investigate breaches of planning control, to try and resolve such breaches through negotiation and where it is expedient in the public interest to initiate legal action to secure compliance with planning legislation.

What is breach of planning control?

For a breach of planning control to have occurred, the Council must first establish that development requiring permission has taken place. Not all development requires planning permission. Certain building works and some changes of use may be undertaken without planning permission.

The following are examples of activities which are not breaches of planning control and therefore enforcement action may not be taken under planning legislation:

- Parking of commercial vans on the highway in residential areas.
- Operating a business from a home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Parking a caravan within the residential boundary of a property providing that it is ancillary to the house.
- Clearing land of undergrowth, bushes and trees, providing they are not protected trees.
- Undertaking works that are permitted development, specific works that are exempted by legislation from the need to obtain planning permission.

WHAT WE DO NOT DO:

- Deal with disputes to do with neighbours.
- Investigate land ownership/boundary disputes.
- Investigate complaints regarding smells, noise or pollution.

For useful telephone numbers on matters that other departments in the London Borough of Barnet can investigate, please see the back page of this leaflet.

What will happen to your complaint?

Your complaint will be confidential.

Once your complaint has been received, a preliminary check will be made as to whether it is a breach of planning control. Your complaint will be acknowledged and if there is not a breach of planning control you will be advised.

The enforcement of planning law can be complicated. The investigations into the complaint may include a site inspection, detailed site history checks, land registry searches, liaison with other agencies, and the taking of legal advice.

Unfortunately, this can be a lengthy process and it is sometimes the case that a number of weeks can pass before a complete response is provided. Only in very exceptional circumstances can the council stop work that is being undertaken.

What things are considered before a decision is made on the action to be taken?

Once it has been established that a breach of planning control has taken place the council must assess the extent of the breach before deciding on the action to be taken.

THERE ARE SEVERAL OPTIONS AVAILABLE TO THE COUNCIL:

- Where the development causes little or no harm the council may take no further action.
- Many unauthorised developments can be resolved by negotiation. Often this proves to be the quickest and most effective method.
- Where a development could be adequately controlled, the council may advise the submission of a retrospective planning application so that, if necessary, conditions can be applied if the application is approved.
- Where the matter cannot be resolved, the council may take formal enforcement action.

What does formal enforcement action involve?

- This usually involves serving an Enforcement Notice, which will require certain steps to be taken within a specified period of time. The Notice can only require a return to the lawful position and specify conditions, which are designed to remove the elements of harm. There is a right of appeal against the Notice and when an appeal is made, the effect of the Notice is suspended until the appeal is determined. If no appeal is made or the Notice is upheld, prosecution can take place if the terms of the Notice are not complied with.

CASES WHICH TAKE PRIORITY

The London Borough of Barnet investigates in excess of 1500 enquiries regarding alleged breaches a year and therefore the following priorities have been introduced:

1. Alleged damage to a listed building or a tree protected by a Tree Preservation Order (where once the damage occurs it can often be irreversible).
2. Alleged unauthorised works that are taking place at the time of complaint and involve significant public harm.
3. Alleged breaches that have an impact on more than the immediate neighbours.
4. Other alleged breaches will be allocated an appropriate priority according to the nature and impact of the works.

The following service targets have been introduced:

- To deal with all enquiries in a courteous, confidential and efficient manner.
- To acknowledge letters of complaint within 5 working days.
- To carry out an initial site inspection according to the priority (as outlined above).
- To keep complainants informed at various stages of the process.
- To resolve 70% of cases within 8 weeks.
- To notify all complainants when investigations have been completed.

WHEN MAKING A COMPLAINT

You can help by:

- Completely filling in the Complaint Form or providing as much information as possible in your letter of complaint.
- You can also assist by collecting information and being prepared to give evidence if legal action is taken, if necessary.

All correspondence should be addressed to:

London Borough of Barnet
Planning Support
Ground Floor Building 4
Oakleigh Road South
London N11 1NP
Tel: 020 8359 4678

Other useful contacts:

Problems regarding noise or smells **020 8359 4800**

Out of Hours Noise Problems **020 8359 2000**

Works taking place in the Road **0208 359 4490**

Dangerous Structures **020 8359 4500**