



ADVANCED PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. APPROVAL OF THE PLANNING ENFORCEMENT POLICY (Pages 1 - 50)**

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London Borough of Enfield**Portfolio Report****Report of:** [Sarah Cary]

Subject: [Approval of the Planning Enforcement Policy]**Cabinet Member:** [Cllr George Savva]**Executive Director:** [Sarah Cary]**Ward:** [Boroughwide]**Key Decision:** [KD 5386]

Purpose of Report

1. This report seeks the approval of the Planning Enforcement Policy for the investigation and enforcement of breaches of planning control.
2. The Planning Enforcement Policy details the proposed approach to dealing with breaches of planning regulations. It provides information and guidance to residents, developers and those with other interests, about how the Council could deal with any development that does not accord with national and local policies or where there is non-compliance with enforcement action already taken.
3. In exercising the Council's statutory obligations under the Town and Country Planning Act 1990 (as amended), the Town and Country Planning General Permitted Development Order 2015 and other associated planning legislation, the Planning Enforcement Policy is intended to provide guidance on the principles and processes that will be expected to be applied by officers to secure effective compliance and improvement of the built environment as well as promoting consistency and transparency in the use of the Council's enforcement powers.

Proposal(s)

4. To approve the Planning Enforcement Policy at Appendix 1, which details the proposed approach to dealing with breaches of planning regulations and promotes consistency and transparency in the use of the Council's enforcement powers.

5. To delegate to the Executive Director of Place and in consultation with the Lead Cabinet Member for Licensing and Regulatory Services to make any minor amendments to the Planning Enforcement Policy.

Reason for Proposal(s)

6. It is considered best practice to have an agreed and published Planning Enforcement Policy, which has regard to good practice advice contained in the National Planning Policy Framework.

Relevance to the Council Plan

7. The Planning Enforcement Policy contributes to the Council Plan as follows:
 - Good homes in well-connected neighbourhoods:
8. One of the Council's key objectives in the Council plan is about strengthening the connection between people and the places they live in. The Enforcement Policy will help the Council deliver its vision of good homes in well-connected neighbourhoods by making sure any breach of planning regulations / policy is dealt with appropriately to improve the Borough and local neighbourhoods. This supports a robust planning function safeguarding resident amenity and environmental quality to ensure Enfield remains an attractive place to live and work. Planning enforcement also tackles unlawful residential conversion to maintain the availability of quality residential accommodation.
 - Safe, healthy and confident communities:
9. Unlawful residential conversions can often result in poor quality and badly maintained properties. Such properties can also detract from the look and feel of neighbourhoods while also creating an adverse impression of neighbourhoods leading to anti-social behaviour.
10. A robust Planning Enforcement Policy supports the health and wellbeing of residents by tackling and addressing breaches of planning control swiftly and effectively, consistent with the Council Plan's aim to "Build measures into all our strategies and projects that will help improve public health and people's wellbeing."
 - An economy that works for everyone:
11. The Planning Enforcement Policy will support the work of enforcement officers to tackle poor standards of housing or cases where a breach of planning control is harming the quality of residential and commercial environment.
12. An improvement in property and environment conditions also has an inevitable positive effect on the residents enjoyment of their environment

and street scene facilitating initiatives to ensure “our high streets and town centres thrive and attract people to live, work and visit.”

Background

13. Effective enforcement is important to maintain public confidence in the planning system.
14. The Royal Town Planning Institute (National Association of Planning Enforcement Officers – NAPE) highlight the importance of enforcement commenting that:

“To achieve great development, planning relies on the energy and imagination of planners, decision-makers, developers, designers and investors. Each of these contributes to bringing ideas through the system to delivery - but without enforcement, our places, our environment and our quality of life would all be the poorer. At its heart, the planning system relies on trust and our enforcers provide the backbone of this trust - trust that those who flout our planning laws (and often other laws at the same time) will be brought to account; trust that those who strive for high quality will not be undermined by those who would deliver ill-planned and ill-designed development; and trust that the high quality schemes that achieve planning permission will be delivered with that same quality - that planning will deliver what is promised.”
15. The National Planning Policy Framework also states that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. It also advises that local planning authorities should consider publishing a local enforcement policy to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.
16. The preparation and adoption of a local enforcement policy is important because it:
 - allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
 - sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
 - provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
 - provides greater certainty for all parties engaged in the development process.
17. In accordance with the National Planning Policy Framework therefore, the Planning Enforcement Policy sets out our approach to dealing with breaches of planning regulations. It provides information and guidance to residents, developers and those with other interests, about how the Council could deal

with any development that does not accord with national and local policies or where there is non-compliance with enforcement action already taken and will support the enforcement work of the team to build on recent successes.

Examples of Recent Successful Outcomes

18 Number of Notices served over the last 5 years:

- Notices served (includes Planning Enforcement Notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Breach of Condition Enforcement Notices) between 1st January 2016 and 15th November 2021 was 207. Of these, 13 were Section 215 Notices. In addition to these Enforcement Notices, 266 Planning Contravention Notices were served.

19 Number of Prosecutions over the last 5 years

- Prosecutions taken to court was 25
(Note: During Pandemic, Courts were closed to all Local Authority cases except for those involving children and adult social care issues).

20 Kingswood – Clay-Hill

- Prosecution resulting in the owner pleading guilty to the unlawful removal of approx. 270 trees that were protected by an area TPO or by the fact they were located within a conservation area. The matter is now at the Crown court where sentencing will be handed down after an application made under the Proceeds of Crime act is dealt with.

21 151 Church Street

- Following non-compliance with an enforcement notice and appeal, our prosecution led to a guilty plea from the owner who had unlawfully converted a property on Church Street in Edmonton into eight separate studio units without planning permission. The Enforcement team then applied for a confiscation order under the Proceeds of Crime Act regarding the rent payments received for the five unauthorised flats. The owner contested the application and also lodged a number of appeals regarding the initial conviction (despite the fact the owner had pleaded guilty to the charge of failing to comply with the enforcement notice served). The owner's appeals were eventually dismissed and a substantial Proceeds of Crime Payment was made.

22. North Lodge – Whitewebbs Road.

- Following damage to a Grade II listed building and a large amount of fly tipped taking place, a Temporary Stop Notice was served and a hoarding was erected around the property to prevent further fly tipping. Direct action then taken to safeguard the heritage asset

from further harm by the erection of a scaffold structure covered in sheeting to reduce the ingress of water to the building. Costs incurred by the Council recovered from owner.

23 178 Bounces Rd

- A successful prosecution against the owner who had unlawfully converted the property into two flats without planning permission and failed to comply with the enforcement notice served. The owner was found guilty and a successful application under the Proceeds of Crime Act was made to recover the income gained from the illegal unit created.

24 303 Green Lanes

- This was a successful joint prosecution with Licensing regarding the property being used as a Shisha bar and the construction of a covered area over the rear delivery yard for the use of customers to smoke shisha. Owner pleaded guilty and works undertaken to regularise the situation.

25 88 Beaconsfield Rd

- Two prosecutions, once for failing to comply with the Enforcement Notice and then again for failing to pay the POCA award. On both occasions the property owner was found guilty. For failing to pay the POCA award the owner received a custodial sentence

Main Considerations for the Council

26. Although planning enforcement is discretionary, there is a potential risk in not taking enforcement action. The Planning Enforcement Policy will set out those circumstances and our approach to the completion of an investigation and whether it will lead to a notice being served. This will improve both transparency and consistency thereby minimising this risk.
27. Where it is considered necessary to deviate from the approach in the Policy, this will only be done where it is justifiable, proportionate and the reasons are outside the scope of the policy. In addition, officers will receive necessary training and will be guided by procedures that will be regularly reviewed and updated. This risk is further mitigated by taking expert legal advice upon any decisions to be taken.

Safeguarding Implications

- 28 Planning Enforcement officers are able to enter land specifically for enforcement purposes (Sec 196a,196b Sec 196C of the Town and Country Planning Act 1990). The Act specifies the purposes for which entry to land may be authorised namely:
 - to ascertain whether there is or has been any breach of planning control on the land or any other land;

- to determine whether any of the local planning authority’s enforcement powers should be exercised in relation to the land, or any other land;
 - to determine how any such power should be exercised; and
 - to ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.
29. Planning enforcement officers are trained and aware of potential safeguarding concerns for both children and adults, should situations arise in the course of their investigation.
30. Where officers identify safeguarding concerns during inspections, visits and enforcement these are referred to the appropriate safeguarding hub.

Public Health Implications

31. An improvement in residential amenity or the condition of the environment can have indirect public health benefits in terms of how residents interact and experience their surroundings. A robust Planning Enforcement Policy supports this.

Equalities Impact of the Proposal

32. The EQIA is attached. The Planning Enforcement Policy aims to ensure consistent and appropriate enforcement action is taken, where breaches of planning control are identified.
33. The Policy provides a clear and transparent framework for tackling breaches of planning control ensuring decisions and actions are consistent and fair to all.

Environmental and Climate Change Considerations

34. These are the considerations:

Consideration	Impact of Proposals
Adaptation and resilience	This policy does not deal with matters which directly impact on climate change adaptation and resilience.
Energy consumption	Delivery of the policy should not in itself lead to any increase in energy consumption
Carbon emissions and offsets	Delivery of the policy should not in itself lead to any increase in emissions and no offsets are proposed
Environmental	Delivery of the policy should have positive environmental impacts in respect of the street scene and quality of life for residents
Procurement	No additional procurement of goods or services is proposed. Risks that may arise if the proposed decision and related work is not taken

Risks that may arise if the proposed decision and related work is not taken

35. If the Planning Enforcement Policy is not approved there is a risk that any legal or prosecution proceedings might be challenged on the basis that good practice guidance about having a policy in place is not being followed and might lead to unnecessary legal challenge

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

36. There are no risks in approving this enforcement policy. It is good practice to have an enforcement policy providing the framework in which to make enforcement decisions.
37. There is a risk of not taking enforcement action in accordance with the Planning Enforcement Policy. Where it is considered necessary to deviate from the approach in the Policy, it will only be done where it is justifiable, proportionate and the reasons are outside of the scope of the Policy. In addition, officers will receive necessary training and will be guided by procedures that will be regularly reviewed and updated. This risk is further mitigated by taking expert legal advice upon any decisions to be taken.

Financial Implications

38. None other than failure to have in place a Planning Enforcement Policy may be grounds for challenge giving rise to potential costs award depending on the outcome of the enforcement action.
39. The Planning Enforcement Policy sets out what services provided by the team will be subject to a charge. These include:
- Providing a copy of an enforcement notice
 - Removing an enforcement notice from the enforcement register
 - Request for compliance check (compliance with planning permission or conditions)
 - Enforcement notice compliance certificate

Legal Implications

40. Local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas. Powers are derived from the Town and Country Planning Act 1990.
41. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement policy, where it is not part of the development plan.

Workforce Implications

42. The Planning Enforcement Policy will be followed by existing officers as a framework to carry out their enforcement activities and will support the broadening of their housing enforcement capability.
43. The Policy will also act as a guide for new officers as part of their induction / training.

Property Implications

44. There are no property implications

Other Implications

45. None

Options Considered

46. There are no viable alternative options. To not have a specific Planning Enforcement Policy in place could potentially lead to an inconsistent approach in the exercising of the Council's enforcement duties and approach to enforcement decisions which could leave the Council open to legal challenge.

Conclusions

47. Approval of the Planning Enforcement Policy details the proposed approach to dealing with breaches of planning regulations. It provides information and guidance to residents, developers and those with other interests, about how the Council could deal with any development that does not accord with national and local policies or where there is non-compliance with enforcement action already taken.

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Date of report

Appendices

Planning Enforcement Policy
Consultation Response Matrix.

Background Papers

The following documents have been relied on in the preparation of this report:

None

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London Borough of Enfield

Planning Enforcement Policy

2021

1.0 Introduction:

- 1.1 This Policy sets out the Council's approach to dealing with breaches of planning control. It provides information and guidance to residents, developers and those with other interests regarding how the Council will deal with development that does not have the required planning permission or where there is non-compliance with enforcement action already taken.
- 1.2 The National Planning Policy Framework (NPPF) requires local planning authorities to act proportionately in responding to suspected breaches of planning control. This policy functions as the council's 'local enforcement plan' for the purposes of the NPPF.
- 1.3 Planning Practice Guidance (PPG) states that there is a clear public interest in enforcing planning law in a proportionate way. Effective enforcement is important to:
- tackle breaches of planning control which have an unacceptable impact on the amenity of the area or are otherwise seriously contrary to planning policy;
 - maintain the integrity of the decision-making process;
 - help ensure that public acceptance of the decision-making process is maintained.
- 1.4 The planning enforcement service is concerned with resolving serious breaches of planning control. There must be harm to public amenity, safety or the environment for enforcement action to be justified.
- 1.5 The Council cannot take enforcement action, or intervene to secure an improvement, simply to remedy a breach of planning control, if that breach is considered acceptable in planning terms.
- 1.6 Undertaking planning enforcement action is:
- discretionary;
 - only undertaken where there is a clear public interest in enforcing planning law and planning regulation in a proportionate way;
 - should only be taken by LPA when it is expedient to do so having regard to the development plan and any other material considerations.
- 1.7 The planning enforcement service is committed to addressing serious breaches of planning control. Formal enforcement action will, however, only

be taken where there is harm to amenity, the harm identified from the breach of planning control is significant and it is considered proportionate and expedient to do so.

- 1.8 The assessment of planning applications balances often competing private demands in the public interest. Planning enforcement is no different. A breach of planning will be assessed in terms of the policies of the development plan and other relevant material planning considerations; and whether the degree of harm arising from the breach is significant. If this is established, a remedy to the breach will be sought by the Council's enforcement team. This could involve agreeing changes to a development or activity and encouraging the submission of a planning application as an alternative to formal enforcement action.

Relationship to Corporate Plan and Priorities

- 1.9 Our work will make a positive contribution towards the Councils Corporate Plan in delivering:
- Good homes in well-connected neighbourhoods
 - Sustain strong and healthy communities
 - Build our local economy to create a thriving place
- 1.10 This Plan seeks to balance the concerns of local people with the rights of owners and sets out the nature and relevant timescales associated with taking enforcement action, where such action is warranted.

2.0 Planning Enforcement Service – Our Commitment

- 2.1 Our commitment:

1. We will follow good enforcement practice in a proactive and reactive way
2. We will seek to be transparent and fair in our feedback to interested parties on our assessment of whether there has been a breach of planning control and whether it is expedient or proportionate to take formal enforcement action.
3. We will take robust and effective enforcement of serious breaches of planning control where it is considered proportionate and expedient.
4. We will aim to progress enforcement investigations in a timely fashion.

- 2.2 We encourage Council Officers, Members, Partners, residents and local businesses to report suspected breaches of planning control allowing us to effectively investigate alleged breaches in a timely manner. Action may also be taken if appropriate even where there is no public request to investigate.

3.0 What is a Breach of Planning Control?

- 3.1 A breach of planning control is defined in Section 171A of the Town and Country Planning Act 1990 as:

“A breach of planning control is the carrying out of development without the required consents; or failing to comply with the conditions or limitations attached to a consent which has been granted”

3.2 In other words, planning permission is often required before a change of use or works can be undertaken to land or buildings. A breach of planning control occurs when a change of use, or works to land or buildings, has taken place without the appropriate consent.

3.3 Breaches of planning control can include:

- Carrying out of development without the required planning permission
- Changing the use of a site/building without the required planning permission
- Failing to comply with any planning condition and/or limitation, such as a Section 106 Agreement attached to any planning permission (including under Permitted Development)
- Failure to comply with approved drawings attached to a planning permission
- Carrying out certain demolition work in a conservation area without consent
- Unauthorised building work which either fronts a highway or public open space within a Conservation or Article 4 Area
- Carrying out unauthorised works/alterations to Listed Buildings (internal & external).
- Unauthorised felling and lopping of trees, which are the subject of a Tree Preservation Order (TPO), planning condition or in a Conservation Area.
- Unauthorised commencement of development schemes without discharging pre-commencement conditions which cause significant harm to the highway and or neighbouring properties
- Unauthorised flat conversions, conversion of outbuildings/external garages as a separate unit of accommodation and Houses of Multiple Occupation (HMOs).
- Unauthorised breaches of planning conditions
- Unauthorised minor works at residential properties (porches, fences, balustrade, patios)

- Unauthorised advertisements

3.4 It may often be difficult to judge whether or not a breach of planning has occurred when construction is still on-going. The Council can only act on clear evidence and justification for that action and may have to react in response to the development.

3.5 Where harm cannot be demonstrated, it would not be justified for the Council to take enforcement action to remedy a breach of planning control. It does not therefore follow that because there has been a breach of planning control that enforcement action will be taken. It is at the Council's discretion whether enforcement action will be taken.

3.6 The planning enforcement team is concerned with resolving serious breaches of planning control where there is harm to public amenity, safety or the environment. It does not deal with neighbour or business disputes, or a change to the environment that an individual or group of residents may not like.

3.7 Unauthorised works and activities can become immune from enforcement action. Section 171B of the Town and Country Planning Act 1990 sets out specific time periods for different types of breaches of planning control, within which the Council can take formal action. After such time, the works become lawful.

3.8 No enforcement can be undertaken if action is not taken within:

- Erection of buildings and other operational development works - 4 Years
- Change of use to a residential unit - 4 Years
- Non-compliance with conditions controlling occupation - 4 Years
- Changes of use of buildings or land - 10 Years
- Change of Use to HMO (6 + persons) - 10 Years
- Non-compliance with planning conditions - 10 Years
- Works to Listed Buildings - No time limit

3.9 There are exceptions to these periods:

- Section 171B(4)(b) of the Town and Country Planning Act 1990, provides for the taking of "further" enforcement action in respect of any breach of planning control within 4 years of previous enforcement action having been taken in respect of the same breach. This mainly deals with the

situation where earlier enforcement action has been taken, within the relevant time-limit, but has later proved to be defective.

- Where there has been deliberate concealment of a breach of planning control, local planning authorities may apply for a planning enforcement order to allow them to take action after the time limits have expired. In such circumstances the courts may find that the time limits do not engage until the breach has been discovered
- Time limits for taking action against the damage to or removal of trees covered by a Tree Preservation Order or within a Conservation Area are:
 - Causing damage to a TPO tree - 6 months from the date the damage was discovered.
 - Causing damage to a tree in a Conservation Area - 6 months from the date the damage was discovered.
 - Removal/destruction of trees covered by a TPO – no time limit, but before the end of 3 years from the date the removal was discovered.
 - Removal/destruction of trees in a Conservation Area - no time limit, but before the end of 3 years from the date the removal was discovered.
- There are no time limits specified in planning legislation within which we must commence prosecution proceedings.

4.0 What is not a breach of planning control?

4.1 Not all development needs planning permission. 'Permitted development' regulations allow quite significant alterations and extensions to be made to buildings and outbuildings under certain conditions, along with certain changes of use without the need to first obtain approval.

4.2 In addition, some issues reported to the Planning Enforcement Team are not always breaches of planning control enforceable under planning legislation. While issues may relate to or be a result of buildings or activity on land, we are not always able to consider action under powers available under planning legislation. The following are some examples;

- Competition with other businesses;
- Trespass, boundary or other neighbour disputes;
- Breaches of a covenant;
- Internal works to a non-listed building;
- Land ownership disputes or trespass issues;

- Breaches of covenants, Land Registry or Lease agreements;
- Temporary structures/fencing associated with building works;
- Dangerous structures or other health and safety issues on sites;
- Party walls matters;
- Works causing damage to a property;
- Overhanging bushes/trees;
- Matters controlled by other legislation and enforced by other departments or organisations, for example Building Control, Environmental Health, Highways, Police, Environment Agency, Health and Safety Executive e.g. Parking of commercial vehicles on the highway;

4.3 If we receive an enquiry regarding a non-planning matter, which the Council has jurisdiction over, it will be forwarded to the responsible department.

5.0 Relevant Legislation and Planning Policies

5.1 The relevant planning legislation and planning policies, that will be taken into consideration when assessing an alleged breach of planning control are:

- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework
- National Planning Practice Guidance
- Development Plan, comprising:
 - London Plan
 - Development Management Document
 - Enfield Plan – Core Strategy
- Conservation Area appraisal documents

5.2 The National Planning Practice Guidance states that:

Effective enforcement is important to:

- *tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;*
- *maintain the integrity of the decision-making process;*
- *help ensure that public acceptance of the decision-making process is maintained.*

5.3 The Guidance advises that “Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy”.

5.4 In addition, Government advice states that Enforcement action should be proportionate to the breach of planning control to which it relates and taken when in the public interest, it is expedient to do so. Where the balance of public interest lies will vary from case to case.

5.5 In deciding, in each case, the National Planning Practice Guidance goes on to state that “local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed”.

6.0 Reporting a breach of planning control

6.1 You can report a breach by emailing planning.enforcement@enfield.gov.uk. Or by telephone – 0208 379 3856

6.2 The following information is required when reporting a breach:

- Your name, postal address and contact details (either an email address or telephone number);
- The site address or location of the alleged breach;
Note: Where an incorrect address is supplied this results in abortive research and investigation work at public expense and unnecessary disturbance to occupants of that address. In those circumstances the file will be closed and the requestor advised. The onus is on the individual requesting an investigation to provide correct address details. If the correct address is subsequently provided and properly verified it will be registered and treated as a new investigation;
- What the alleged breach is;
- When the alleged breach started;
- Any information about who is considered responsible for it;
- Details of how the alleged breach is having a harmful impact;
- Photographs, if possible.

6.3 The identity of a person making an investigation request is kept confidential unless the Council is required to release the information; for example, if a case proceeds to the appeal stage, and if the individuals evidence is part of the Council’s case, anonymity cannot be guaranteed. However, we will ask for the requestor’s agreement if we need to do this. In some cases, the Council’s case may be weakened by the requestor not agreeing to forego anonymity, and in such cases, it may not be expedient to proceed with formal enforcement action.

7.0 The Council’s approach to enforcement

- 7.1 The Council takes breaches of planning control seriously, particularly if it is done intentionally and results in serious harm. However, it is at the Council's discretion whether enforcement action will be taken.
- 7.2 The Planning Enforcement Service is concerned with resolving serious breaches of planning control where there is harm to public amenity, safety, or the environment. It will not take action just because there is a technical breach of legislation or policy. It does not deal with neighbour or business disputes or changes to the environment that an individual or group of residents may not like.

8.0 How the Council will deal with a request to investigate

Pre - Screening.

- 8.1 Requests received will be logged, acknowledged and investigated unless:
- Anonymous
 - Not a planning matter or related to planning harm
 - Otherwise inappropriate
- 8.2 Once screened, the service request will be logged and the requestor will be sent an acknowledgement letter which provides the case reference number, the officers name and their contact details.

Screening (Desk Top Assessment)

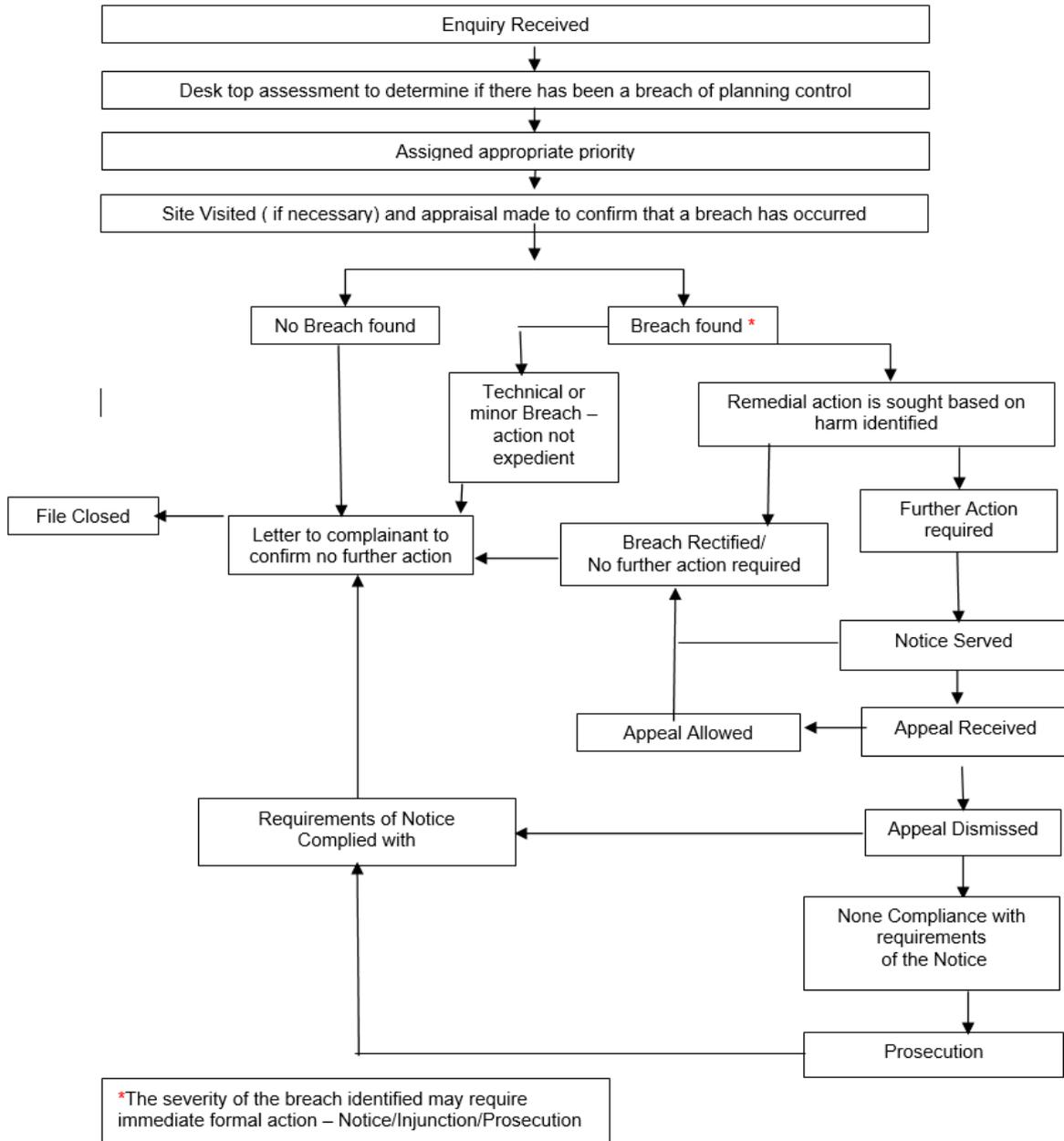
- 8.3 An initial desk top assessment will be carried out in order to establish the facts of the enquiry and to determine whether or not it is a breach of planning control, whether a site inspection will be necessary or if it is expedient and proportionate to take further action. From this review the officer may contact the requestor for further information.
- 8.4 The desk top assessment will look at:
- Has any development taken place?
 - Is there a breach of planning control?
 - The extent and nature of any breach of planning control
 - Is a site visit required?
 - if it is a breach is it a technical breach with no significant harm;
- 8.5 Should development have taken place and a breach of planning control identified, if it represents only a technical breach or there is minimal harm arising from the breach, we may decide not to investigate further and / or invite a planning application to regularise the breach.
- 8.6 If we decide not to progress an enforcement investigation, the requestor will be notified of the decision.
- 8.7 Inviting a planning application to be made retrospectively does not guarantee a positive outcome. Any application will be assessed on its merits following an

assessment against site circumstances, relevant planning policy and any comments received.

Investigation and Action

- 8.8 Once screened to establish the request requires further investigation, we will undertake a site visit to identify the harm the breach is causing.
- 8.9 In assessing any breach of Planning Control we will consider the following:
- Is there planning permission for the development?
 - Is the work permitted development?
 - The degree to which the development differs from the approved or lawful position
 - The relationship to neighbouring properties taking account of size, siting, depth, separation to adjacent properties, projection beyond neighbouring properties, orientation, levels, other existing structures etc to identify any harm to neighbouring amenity,
 - Its siting, design and appearance to identify any harm to the visual amenities of the surrounding area and the wider environment including trees
 - The relationship to planning policy (e.g. Metropolitan Green Belt)?
 - The relationship to any applicable housing or design standards
 - The effect on parking, serving and access
 - Whether the breach be resolved through negotiation or an application?
 - Whether it is expedient and proportionate to take formal enforcement action?
- 8.10 Site visits are normally undertaken without prior notice, unless access is required to be arranged. This is because of the need to obtain accurate, representative and timely evidence of how a site is being used, or in terms of building works, because difficulties in contacting site managers can sometimes significantly delay an investigation.
- 8.11 If no serious harm is identified, no enforcement action will be taken and the investigation will be closed. The requestor will be notified of this decision.
- 8.12 Where there is immediate or serious harm arising from the identified breach, the Council will consider what appropriate action is necessary.
- 8.13 Only a small proportion of complaints received result in formal action. Many of the rest are closed without the need to take formal action, or cannot be pursued within the resources available.
- 8.14 Planning enforcement can also be a lengthy process. After the initial investigation to establish whether a breach has occurred, compiling evidence and serving a notice can take weeks or sometimes longer. There are also rights of appeal which may be pursued before an enforcement notice can come into effect. More complicated cases can take several years to resolve, especially where it is necessary to take action in the courts

8.15 Enforcement investigations follow this process:



8.16 The Enforcement Officer dealing with the case after discussion with the senior officers / case officer if necessary, will update the individual who requested the investigation with their initial findings after the site visit has been completed. Requestors will also be updated at key stages of the enforcement process such as retrospective applications, formal action or closure of investigations.

8.17 No further action will be taken and the case closed if in the opinion of the authorising officer, the following applies:

- The matter is not a planning issue
- The works taking place have planning permission
- The works do not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended)
- Deemed consent applies due to the passage of time (see sec 3.3)
- The works fall within the Permitted Development criteria as set out in government guidelines
- It is not in the public interest to take action
- The development is likely to obtain planning permission if an application was submitted

9. Priorities for Action

9.1 Cases will be prioritised according to the seriousness of the alleged breach and the harm that is being caused. It will not be possible for the council to pursue all cases.

9.2 Harm is normally defined as a breach of planning control that would have a harmful effect on the amenities of local residents or the character of an area. This judgement will be informed by local circumstances, the nature of the breach and with reference to the Town and Country Planning Act 1990 (as amended) and all its subordinate and associated legislation, relevant national, regional and local planning policies and other material considerations, including the European Convention on Human Rights.

9.3 Where serious harm cannot be demonstrated, it is more likely that no justification will exist for the Council to take enforcement action to remedy the breach of planning control.

9.4 Priority 1

- Unauthorised building work which either fronts a highway or public open space within a Conservation or Article 4 Area
- Unauthorised alterations to listed buildings (internal & external)
- Unauthorised felling and lopping of trees, which are the subject of a Tree Preservation Order (TPO), planning condition or in a Conservation Area.
- Unauthorised commencement of development schemes without discharging pre-commencement conditions which cause significant harm to the highway and or neighbouring properties
- Where the harm is very significant to either public amenity or to residents

- On-going breaches of an effective Enforcement Notice

Response time: Site inspection if necessary, within 1 working day of receiving enquiry. Full or interim enforcement action taken within 5 working days of the site inspection and requestor updated.

9.5 Priority 2:

- Unauthorised breaches in Crews Hill Defined Area
- Unauthorised building work not fronting a highway or public open space within a Conservation Area
- Unauthorised major building works undertaken at residential properties (e.g. extensions, dormers, outbuildings) outside a Conservation or Article 4 area
- Unauthorised external building works to commercial Premises (including extensions, flues/air conditioning units, shop fronts and canopies)
- Unauthorised commercial activity that impacts upon neighbouring residential properties
- Unauthorised flat conversions, conversion of outbuildings/external garages as a separate unit of accommodation and Houses of Multiple Occupation, currently being divided.
- Untidy or derelict land causing immediate detriment to residential amenity and/or the street scene
- Unauthorised change of use of commercial Premises
- Unauthorised hostels and care homes
- Unauthorised car washes
- The refusal of a retrospective planning application or dismissed appeal

Response time: Site inspection if necessary, within 10 working days of receiving enquiry. Full or interim enforcement action taken within 20 working days of receiving enquiry and requestor updated.

9.6 Priority 3:

- Unauthorised flat conversions and conversion of outbuildings/external garages as a separate unit of accommodation and Houses of Multiple Occupation, already in occupation.

- Unauthorised breaches of planning conditions, (including Late night opening)
- Unauthorised minor works at residential properties (porches, fences, balustrade, patios)
- Unauthorised large satellite dishes
- Unauthorised car boot sales
- Unauthorised advertisements
- All other breaches

Response time: Site inspection if necessary, within 20 working days of receiving enquiry. Full or interim enforcement action taken within 30 working days of receiving enquiry and requestor updated.

9.7 Initial enquiries received by the Planning Enforcement Team are subject to review by the Team Leader in order to assess both the possible impact and harm caused by the alleged breach of planning control. This may result in an enquiry being reallocated to a lower priority.

Targets

9.8 Our targets for responding to the initial receipt of a potential breach of planning control are:

- Priority 1: Initial Assessment & Response on Determination of Future Action + Update Requestor
– 95% within 2 days of receipt
- Priority 2: Initial Assessment & Response on Determination of Future Action + Update Requestor
- 90% within 20 days of receipt
- Priority 3: Initial Assessment & Response on Determination of Future Action + Update Requestor
- 80% within 30 days of receipt

10.0 How are breaches resolved – what are the common forms of enforcement action

10.1 Any action will take into account the intent of the owner and how the development relates to the street scene. A householder making a genuine mistake out of ignorance, and cooperating to remedy the mistake, will be treated differently to a developer who fails to comply with a planning decision causing significant harm that affects the local area.

- 10.2 Depending on the nature of a confirmed breach of planning control, there are a range of measures the council can take.

Options

Take no action / Ongoing Review

- 10.3 Take no action or monitor the position in case circumstances change. Such cases might include minor breaches causing no significant harm, those which are unlikely to create a precedent or which may be remedied of their own accord before formal enforcement action is likely to become effective (such as temporary uses).

Allow Time to Remedy:

- 10.4 Time may be given to remedy the breach or justify its retention. Such cases may include situations where the harm is easily repairable and is not so serious as to warrant immediate action or where it may be otherwise justifiable. However, because formal enforcement action takes some time in any event, any informal opportunity to resolve the breach will not be allowed to delay effective action unnecessarily. Informal intervention to address breaches of planning control will only be requested where harm where formal action is considered to be justified.

Formal Action

- 10.5 The Council is not obliged by law to take enforcement action in respect of any breach of planning control. The Act requires that enforcement action is taken only when it is expedient to do so. The decision on how to proceed with an investigation is within the Council's sole discretion.
- 10.6 If the Council decides that formal enforcement action is warranted there are a range of powers that can be used to deal with a breaches of planning control.
- 10.7 The more widely used forms of enforcement action are:
- Planning Contravention Notice - Requires persons to provide information in respect of land and the activities that are being carried out. It is used to help establish if a breach as occurred and who may be responsible.
 - S330 Notice - Requires the provision of information about those who have an interest in the land where a breach has occurred
 - Breach of Condition Notice - Secures compliance with conditions specified within a planning permission.

- Enforcement Notice - Requires particular steps to be taken to remedy the breach that has been identified.
- Listed Building Enforcement Notice - Requires works to be done to prevent or reverse unlawful works to a listed building
- Section 215 Notice – Served on interested parties requiring steps are taken to tidy land or a building that has been allowed to become untidy to the point that it affects the amenity of the local area
- S225A Notice - Requires the removal of advertisements displayed without consent
- Discontinuance notice – requires the display of a particular advertisement which has deemed consent, to cease.
- Stop Notice - Requires the unauthorised activities to cease immediately and is served with an enforcement notice.
- Temporary Stop Notice – Requires the unauthorised activities to cease immediately but only lasts for a period of 28 days. It does not need to be served with an enforcement notice
- Injunction – Granted by the courts on an application from the Council. It can be used to prevent development that has occurred or may occur.
- Direct Action – Where the Council decides to take action themselves to deal with an unauthorised development.
- Prosecution – Formal court proceedings can be started by the council for failing to comply with any of the above notices. This can also include displaying advertisements without consent works to TPO trees, works to a listed building and demolition of a building in a conservation area as these breaches, once committed are criminal offence which can be prosecuted without the need to serve a notice.
- POCA Confiscation – On successful conviction following prosecution to confiscate any monetary benefits derived from not complying with an enforcement notice.
- Tree Replacement Notice - Requires the replacement of trees removed without consent

11.0 When residents are the subject of an investigation of breach

- 11.1 The Council recognises that residents will be concerned if they receive a visit or a letter from an enforcement officer stating that a planning enforcement enquiry has been received against them or their property. The Council will therefore give residents the opportunity to explain the situation to us.

11.2 If in receipt of a letter or a visit from an enforcement officer, please make contact with the Council at the earliest opportunity. It is often that a discussion with the enforcement officer will be enough to establish whether a planning breach has occurred. Early contact with the planning enforcement team helps us:

- Confirm whether or not a planning breach has occurred and whether or not further action will be necessary in order to resolve the matter;
- Advise on the next steps in the investigation, whether that be:
 - i) Inviting the submission of a retrospective planning application seeking permission for the development/activity which has taken place;
 - ii) Negotiating a solution to address the problem in a way that reduces the harm of the breach to an acceptable level in policy terms. This could mean reducing the scale of development or activity, altering or reconfiguring it, or relocating it;
 - iii) Requesting that the unauthorised development be reversed or ceased within a reasonable timeframe.

11.3 Please do not ignore enforcement letters received. Lack of engagement can lead to:

- A Planning Contravention Notice being issued if no response is received. This will require the recipient to answer a series of questions regarding the enforcement enquiry. Failure to respond to such a Notice is an offence which can carry prosecution ;
- The Council using its powers of entry to access the site of the alleged planning issue and investigate further. Obstructing an officer who needs to gain access to investigate is also an offence;
- Residents being called to an interview under conditions set out in the Police and Criminal Evidence Act. The interview will be carried out under caution, meaning that responses will be recorded and potentially used as evidence in court if prosecution proceedings are necessary;

11.4 If the Council has reason to believe that development or activity is taking place which requires planning permission, it has the right to serve various types of notices without further warning. Again, failure to comply with a notice is an offence. Any person prosecuted for failing to comply with an Enforcement Notice may face an unlimited fine upon conviction and is also liable for the full costs incurred by the Council in bringing the matter to court.

12.0 Enforcement Appeals

12.1 There is a right of appeal against most statutory Notices issued by the Council. Appeals are made to the Secretary of State (the Planning Inspectorate) or in some cases to the Magistrates' court. When a Notice is issued, the recipient will also be given the necessary information on how to exercise the right of appeal.

12.2 Once an appeal process has commenced the notice is held in abeyance whilst the appeal is dealt with by the Planning Inspectorate. Appeals can be determined by written representations, informal hearings or public inquiries. If the Planning Inspector allows the appeal the Notice will be quashed, and the investigation closed. If the appeal is dismissed and the Notice is upheld, the compliance period set out in the Notice starts to run from the date of the appeal decision. There is no set time period for the Planning Inspectorate to determine appeals.

13.0 Retrospective Planning Applications or Making a planning application after an Enforcement Notice has been served

13.1 The Council can decline to determine retrospective planning applications if any part of the development described in the retrospective application is already the subject of an enforcement notice (whether appeal rights against the enforcement notice have been exhausted or not). In considering whether an application is accepted the council will consider the following:

- The application appears to be part of a sincere effort to engage with the council to amend a proposal and remedy the breach of planning control;
- The application addresses unacceptable elements of the development (as identified in the reasons for issuing the enforcement notice), and is generally in accordance with planning policies;
- The application would not have the effect of delaying compliance with the notice by frustrating prosecution or direct action proceedings, whether these have already begun or not.
- The application is not submitted just before the compliance period expires or after it has expired.

13.2 The Council will use these powers, where appropriate, to prevent delays in cases where enforcement action is being taken. However, we will also have regard to each specific case on its own merits and may consider whether granting permission for the development would result in an acceptable resolution.

13.3 Should a retrospective planning application be received during an investigation, the serving of an enforcement notice will be paused while the planning application is determined.

14.0 Variations to compliance periods

- 14.1 The council will occasionally extend the compliance period of an enforcement notice. Requests for extensions will only be entertained where the person responsible for complying with the notice has been genuinely unable to do so for reasons beyond their control, and has made the request in good time. Evidence may be requested to support such requests.

15.0 Prosecution

- 15.1 The council will use discretion in deciding whether to prosecute planning offences. Prosecution will only be pursued when it is in the public interest and in accordance with the Code for Crown Prosecutors. Once summons have been served, prosecution proceedings will not normally be withdrawn even if a breach is subsequently complied with.
- 15.2 Whilst the collection of the necessary evidence to prosecute will be collected by the Planning Enforcement Team (and other departments where necessary), the decision to prosecute will be made by the appropriate senior legal officer in the legal department in accordance with the constitution.
- 15.3 Given the nature of planning enforcement the council will not normally carry out interviews under caution with potential defendants unless there is a specific need to do so.
- 15.4. It is only possible to undertake a limited number of planning enforcement prosecutions per year. Prioritisation will be given to cases that are causing the most significant ongoing planning harm, and to long running cases where compliance has not been achieved long after it was due.
- 15.5 In support of prosecution or appeal processes, costs will be sought from defendants to minimise costs to the council. Measures under the Proceeds of Crime Act (POCA) will be utilised where appropriate to retrieve monies gained unlawfully, to help cover the costs of enforcement, improve the service and to ensure an effective disincentive to ongoing breaches of planning control.
- 15.6 Potential proceeds from POCA are not a factor in making a decision on whether to put a case forward to legal for prosecution.

16.0 Direct Action

- 16.1 As an alternative to, or in addition to prosecution as detailed above, the council may decide to take direct action to carry out the steps provided in the notice in default. This may happen any time after the compliance period expires, and the council will not enter into protracted correspondence. The decision to take direct action will be at the council's discretion and will take into account the complexity of the works required and the likely upfront costs to the council. Owners/occupiers will be warned that the council may take direct action at least one week ahead, but the date on which the works will take place will not be revealed in advance. The costs of direct action will be

recovered directly from the landowner in accordance with the planning legislation.

17. Enforcement Outcomes

17.1 Where the Council secures successful outcomes from its interventions as a result of a prosecution or the serving of an enforcement notice, it may decide to publicise the case in the interests of warning other developers / residents and promoting a robust and effective planning system.

18.0 Final resolution of cases

18.1 Compliance with an enforcement notice does not discharge the notice, and it remains as a charge on the land to prevent the breach reoccurring as it can be enforced against subsequent owners or occupiers. If an assurance is sought by an owner or prospective occupier, the council will confirm in writing that an enforcement notice has been complied with on a particular date, subject to the production of sufficient evidence required from the applicant and/or the payment of a fee to cover council's costs of inspection, research and administration.

18.2 This will not apply where the council's appeal costs have been awarded but not paid. There is no statutory requirement for the council to confirm compliance with an enforcement notice except by way of an application for a Certificate of Lawful Development, for which there is a statutory fee and timescales.

18.3 Enforcement notices will only be withdrawn in exceptional circumstances, for example where they have been issued in error.

19.0 Monitoring planning permissions

19.1 Monitoring of consented development will be largely carried out on a reactive basis when divergences from approved plans are brought to the council's attention.

20.0 Planning Enforcement Services and Fees

20.1 The Enforcement Team offer a number of services in order to assist residents or developers when dealing with a breach of planning control or an historic matter pertaining to a Premises.

20.2 A fee will be payable for the following:

- Providing a copy of an enforcement notice
- Removing an enforcement notice from the enforcement register

- Request for compliance check (compliance with planning permission or conditions)
- Enforcement notice compliance certificate
- Request an enforcement meeting (per hour)
- Request for enforcement written advice (per hour)

20.3 Submit your request for assistance by emailing planning.enforcement@enfield.gov.uk. The cost and timescales involved will be provided by the officer dealing with the enquiry.

21.0 Complaints against the planning enforcement service

21.1 If someone is concerned that procedures have not been followed, they should contact the relevant member of staff's line manager in the first instance. Formal complaints will be handled in accordance with the council's Complaints Procedure

22.0 Publicity of planning enforcement documents

22.1 This plan will be available on the Council's website accompanied by our Enforcement Charter and Priority List.

22.2 Under Section 188 of the Town and Country Planning Act 1990 the Council is required by law to keep an enforcement register. This is a public register of notices held and is provided on the Council's website. Hard copies of these documents can be requested if required.

Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups and consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

SECTION 1 – Equality Analysis Details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Planning Enforcement Policy
Lead officer(s) name(s) and contact details	Vincent Lacovara Robert Oles
Team/ Department	Development Management
Executive Director	Sarah Cary
Cabinet Member	
Date of EqIA completion	15.6.21

SECTION 2 – Summary of Proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
 What are the reasons for the decision or change?
 What outcomes are you hoping to achieve from this change?
 Who will be impacted by the project or change - staff, service users, or the wider community?

An enforcement plan is a key requirement of the NPPF, setting out the Council's vision for the planning enforcement service. The planning enforcement function is a statutory function derived from the Town and Country Planning Act (as amended). This provides that planning decisions must be made in accordance with the development plan and other material considerations of the development itself.

The enforcement plan will provide a robust framework for officers investigating alleged breaches of planning control providing clear guidelines. Furthermore, this document will provide Councillors and members of the public with a clear and transparent policy basis for understanding the enforcement function and support an efficient and proportionate response to breaches of planning control.

The policy aims to

allow consistent and effective management of the rising demand for enforcement investigations.
help everyone understand the basis upon which decisions surrounding planning enforcement are made

set out how the service will prioritise and respond to planning breaches

provide guidance for all those involved in, or affected by, the enforcement process.

allow resources to be more clearly focused on Council priorities

The proposed enforcement policy relates to the way in which this existing service is managed, and it therefore has the potential to change the way in which the service affects these groups and individuals.

The main groups affected by planning enforcement are:

- Residents concerned about a potential breach of planning regulation
- Landowners and/or occupants who are alleged to or have breached planning control
- Residents of HMOs and houses converted to flats
- Developers
- Staff including enforcement officers, other planning staff, legal officers, environmental health staff and others

Investigations are undertaken based on reports of alleged breaches of planning control, in respect of the development itself, not who is responsible for carrying out the development and decisions are based on the extent of planning harm caused by the breach. Each case will be assessed on its own merits and we will consider any mitigating factors in our decision making. Cases will be prioritised according to the planning harm caused which provides for unbiased and objective decision making, therefore, any negative impact on individual developments will be weighed against other matters and the application of the policy objectively justified.

SECTION 3 – Equality Analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of age
- provide opportunities to reduce the impact on people suffering disadvantage because of their age
- provide the opportunity to foster good relations between people of different ages

It provides general guidance on the investigation and enforcement action for a breach of planning conditions. This may include enforcement action in respect of developments that

- Provide more or improved aged care provision (e.g. unauthorised annex for an elderly relative or COU to an aged care home)
- Improve mobility or independence for the elderly
- Provide facilities for young people

However, the policy may have a positive impact by preventing developments that

- Provide poorer reduce the availability of aged care provision (e.g. COU of a site adjacent to an aged care home to an incompatible use)
- Reduce mobility or independence for the elderly
- Remove facilities used by young people

Mitigating actions to be taken

We will generally take a staged approach to the planning enforcement investigation and try to negotiate a resolution. If this informal approach proves unsuccessful and the breach warrants it, we will then progress to formal enforcement action. Not all breaches are intentional and any action the Council takes will be proportionate.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include:

Physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact**

[positive or negative] on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of disability
- provide opportunities to reduce the impact on people suffering disadvantage because of a disability
- provide the opportunity to foster good relations between people with disabilities

The policy provides general guidance on enforcement action for a breach of planning conditions which may include enforcement action in respect of developments that provide more or improve accessibility, mobility or independence for disabled people (eg. a ground floor extension to a house, the addition of a ramp to a Listed Building)

However, the policy has scope to have a positive impact by preventing COU, building works or breaches of condition that create poorer or less accessibility, mobility or independence for disabled people (e.g. non-compliance with a condition requiring installation of accessibility features)

Mitigating actions to be taken

We will generally take a staged approach to the planning enforcement investigation and try to negotiate a resolution. If this informal approach proves unsuccessful and the breach warrants it, we will then progress to formal enforcement action. Not all breaches are intentional and any action the Council takes will be proportionate.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will have a differential impact arising from the protected characteristic of gender reassignment

Mitigating actions to be taken

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Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected

There is no evidence to suggest that the enforcement policy will have a differential impact arising from the protected characteristic of marriage or civil partnership

Marriage and civil partnership is only relevant to the first aim to eliminate discrimination

Mitigating actions to be taken

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Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of pregnancy or maternity
- provide opportunities to reduce the impact on people suffering disadvantage because of sex
- provide the opportunity to foster good relations between men and women

Mitigating actions to be taken

Race
<p>This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.</p>
<p>Will this change to service/policy/budget have a differential impact [positive or negative] on people of a certain race?</p>
<p>Please provide evidence to explain why this group may be particularly affected</p>
<p>There is no evidence to suggest that the enforcement policy will</p> <ul style="list-style-type: none"> • discriminate unlawfully on the grounds of race • provide opportunities to reduce the impact on people suffering disadvantage because of their race • provide the opportunity to foster good relations between people of different racial groups <p>However there are opportunities to address potential barriers to understanding of the planning regulations by ensuring that information is equally available to all groups and in relevant languages and the council's website has a translation facility to allow members of the public to translate key documents into different languages</p>
Mitigating actions to be taken
<p>What more can we do here? Circulate guidance to different groups who advise BME residents?</p>

Religion and belief
<p>Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.</p>

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of religion and belief
- provide opportunities to reduce the impact on people suffering disadvantage because of their religion and belief
- provide the opportunity to foster good relations between people of different religion and belief

Mitigating actions to be taken

Sex

Sex refers to whether you are a man or woman.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on men or women?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of sex
- provide opportunities to reduce the impact on people suffering disadvantage because of sex
- provide the opportunity to foster good relations between men and women

Mitigating actions to be taken

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a

different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of sexual orientation
- provide opportunities to reduce the impact on people suffering disadvantage because of their sexual orientation
- provide the opportunity to foster good relations between people of different sexual orientation

Mitigating actions to be taken

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of socio-economic status
- provide opportunities to reduce the impact on people suffering disadvantage because of their socio-economic status provide the opportunity to foster good relations between people of different socio-economic status

Mitigating actions to be taken.



SECTION 4 – Monitoring and Review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?



SECTION 5 – Action Plan for Mitigating Actions.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments

Consultation		
Question	Responses	Action / No Action
<p>What changes would you like to see in our approach?</p>	<p>Zero tolerance unless there is a genuine mistake. Having applied for planning permission myself I have had to jump through hoops and pay vast sums of money for reports. For those who haven't bothered and apply for retrospective means that cheats are prospering. There appears to be a growing culture in the borough of residents doing what they want and not considering their neighbours or rules. There needs to be proper consequences to halt this growing trend.</p>	<p>No Action</p> <p>Para 7.1 of the Plan states that the Council takes breaches of planning control seriously, particularly if it is done intentionally, or results in significant harm.</p> <p>Para 3.5, 5.2, 5.3 & 7.1 confirm that the Council is not obliged by law to take enforcement action in respect of any breach of planning control. The Act requires that enforcement action is taken only when it is expedient to do so. The decision on how to proceed with an investigation is within the Council's sole discretion.</p> <p>Consequently, there can be no application of zero tolerance. Each case must be assessed on its merits having regard to the harm arising to residential or visual amenity from the breach of planning control that has occurred. For minor breaches of planning control, it may not be in the public interest and no action may be justified</p>
<p>Do you think we have missed anything from the plan?</p>	<p>Paragraph 3.3 - Change of use to a residential use falling within the sui generis i.e. HMO with more than 6 persons is 10 years</p>	<p>Action</p> <p>Plan to have additional information inserted on HMO's and the time limit for enforcement action</p>
	<p>Paragraph 6.6 – file management is very poor. Colleagues in DM go into the file and it is often blank, no photos and no notes. This is not acceptable and ends up in conflict between DM and enforcement.</p>	<p>Action</p> <p>Insert text into Para 8.16 – The Enforcement officer after discussion with the senior officers / case officer if necessary, ...</p>

	Paragraph 6.7 – if a planning application is invited planning enforcement officers should speak to colleagues in DM because often invited applications are refused.	Action – see above
	This is poor customer service and lack of working between the departments. Do not invite applications in that will not be approved	Action – see above
	Please clarify what is a reasonable timescale: 'Informal action - Planning legislation requires the council to try to seek a negotiated resolution to a planning breach so that formal action can be avoided. If we reach a negotiated solution, we expect any remedies agreed to be completed within a reasonable timescale. '	No Action. It is impossible to set a precise timescale as each case will be different and raise specific challenges that mean the time necessary to progress a case will vary. Improved case management will monitor progress on individual cases to ensure the time for necessary action is not extended.
	Having read the document and summary document it doesn't seem obvious what action should be taken and by who with minor misdemeanours particularly with shops, for instance where they put tables, chairs, ramps etc. outside their premises on the pavement.	No Action The policy does not prescribe set responses to breaches of planning control. Each investigation must be assessed on its merits and a decision on whether to progress with formal or informal action made on the basis of these findings having regard to the harm identified. The more minor the breach and resultant harm, the less likely the need for formal or formal action but for to maintain messaging around an enforcement policy, it is considered this should not be set out in the policy
	In section 10, it states the Law allows local authorities to decline to accept new planning applications after an Enforcement Notice has been served. This should be a very useful means of stopping unscrupulous developers who have	No Action Section 13 clearly sets out our powers to decline to determine planning applications (S70C of the T&CPA 1990).

	<p>started work from submitting repeat applications because their original application was refused. Another common situation is where a planning application is approved, but the developer decides after starting work that he wants to alter his original plans. He then submits a further application or sometimes more. From my experience, officers in the Planning Department and Planning enforcement need to liaise more closely to prevent developers gaming the system in this way and this needs to be reflected in the Planning Enforcement Plan.</p>	<p>There may however be circumstances when it is desirable to be flexible with the submission of a further application and where this can be justified, the policy as worded should allow for this.</p>
<p>other comments or suggestions</p>	<p>A substantial amount of money can be reclaimed via the POCA. Recently Redbridge recouped £100,000 and Haringey recouped £500,000. How much as Enfield reclaimed this year? The funds reclaimed should be published yearly in planning resource. Then Enfield enforcement will start becoming respected and developers will start fearing acting unlawfully. Have you thought about a threshold based on it - each year we will reclaim at least £100,000 and be target driven. This will be a great income generator for the Local Planning Authority.</p>	<p>No Action</p> <p>POCA cannot be considered as income for budgetary purposes nor must an income target be set. Pursuing a prosecution should not be on the basis of the POCA award but on the harm to amenity that arises. Any POCA award is governed by rules around how it can be spent but must be treated as an addition to the budget for the service and is there to support further service improvement</p> <p>For appropriate cases, the Policy sets out the Council will prosecute for non-compliance with any enforcement notice.</p>
	<p>'There is no set time period for the Planning Inspectorate to determine appeals.' This needs addressing - it means transgressions can continue for ages..</p>	<p>No Action</p> <p>The LPA does not set the appeal timescales. This is controlled by the Planning inspectorate. This can delay resolution of any breach but no action can be taken by the LPA during this period</p>

	<p>'We do take a blanket approach to using these powers and will consider each case on its own merits. ' Presumably a typo? It should be clearer where a public record can see what action is being taken and when transgressions will be corrected. In the Lakes Estate Conservation we are not confident there is a robust follow-up policy</p>	<p>No Action</p> <p>I cant find the precise “quote” they are referring to but Para 22.2 is clear about the publication of the enforcement register which includes relevant dates and does not need revision. Para 1.7, 1.8, 3.4, 5.4 & 9.2 also talk about the need for a non standard approach and the need to look at individual circumstances</p> <p>The LPA publishes its Enforcement Register identifying notices that have been served. Given the nature of the enforcement process, investigations are not public and to comply with GDPR requirements, no further information can be published.</p> <p>The Policy sets out the process for investigations which included case review at key stages to ensure cases are reviewed.</p>
	<p>Feel there should be less allowance of 'Retrospective Planning' and more penalisation of going ahead without Planning permission.</p>	<p>No Action</p> <p>There is nothing in planning legislation to prevent the submission of a retrospective planning application</p>
	<p>Ensure that it is easy for people to establish if they need planning permission. If they do require it, but go ahead without, then the offending structures should be removed at cost to the applicant or, in the case of trees, fines and costs of replacement trees.</p>	<p>No Action</p> <p>The comments does not relate to the policy but feeds into a review of web content</p>
	<p>Get a strong message out and the instances of</p>	<p>Action</p>

	proceeding without necessary approvals should fall.	To include a section that advises successful prosecutions or enforcement outcome may be publicised
	Generally, the plan appears to be fine. The major worry that most people might have is the staffing of the Enforcement Team. There always appear to be problems around sufficient staffing, and in the current climate there is little confidence that this will improve.	No Action Noted but beyond the scope of the policy to comment on
	The Plan as drafted is fine, but it needs to take more cognisance of what has been happening on the ground over the past few years in terms of lax enforcement.	No Action The policy will assist in more robust and consistent enforcement decisions

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