

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 &amp; 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 &amp; 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