



London Borough of Newham
Development Control

Planning Enforcement Policy

Adopted March 2015

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan 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 it is appropriate to do so.”

Paragraph 207 of the National Planning Policy Framework

INTRODUCTION

This policy document outlines the manner in which the Council will undertake its planning enforcement function and ensure effective enforcement within the borough. The document addresses the following issues:

- The main planning policies.
- The type and incidence of enforcement problems.
- The resources to be devoted to enforcing planning control.
- The special planning enforcement issues.
- The procedure for dealing with the planning enforcement function.

THE MAIN PLANNING POLICIES

The main planning policies relevant to the planning enforcement function of the London Borough of Newham are:

The Local Plan

The Local Plan consists of:

- The Core Strategy (2012)
- Policies saved from the Unitary Development Plan
- The Joint Waste Development Plan Document (DPD) for East London (2012)
- The Proposals Map

If neighbourhood plans are received, they will be added to the Local Plan once the council adopts them.

The London Plan

The London Plan (2011) is a guide to development in London. Our Local Plan must be 'in general conformity' with the London Plan.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework is a key part of the government's reforms to make the planning system less complex and more accessible. It vastly simplifies the number of policy pages about planning.

The framework acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.

Article 4 Direction

An Article 4 Direction came into force in Newham on 31st July 2013. Article 4 Directions give us control over developments that do not normally need planning permission.

The Direction says that if you want to change a dwelling (home) into a small house in multiple occupation (a house for three to six unrelated people to share) you will need planning permission.

Design Guides

Design Guides offer advice to residents on how to undertake works that will protect and restore attractive qualities of specific areas within the borough.

THE TYPE AND INCIDENCE OF ENFORCEMENT PROBLEMS

The type and incidence of enforcement issues are wide ranging in the London Borough of Newham. They vary from very minor technical breaches of the regulations to much more substantial development in a locality. Examples of commonly encountered breaches are grouped below by level of harm to public amenity:

High level of harm

- Unauthorised works to a listed building or scheduled ancient monument.
- Changes of use with serious implications on the health and wellbeing of the borough, such as brothels and shisha lounges.
- Large scale development where a serious impact is felt over a wide area.

Medium level of harm

- Development affecting the housing stock in the borough which make it a less desirable place to live, work and stay. This includes multiple occupancy, conversions to flats and large scale poor quality extensions.
- Any unauthorised development (such as extensions or changes of use) or a breach of condition which is causing noise / vibration / smell / visual harm.
- The commencement of any planning application without compliance with relevant pre-commencement conditions.
- Unauthorised development which would adversely affect the character and appearance of a conservation area or the setting of a listed building.
- Unauthorised works in progress to a tree protected by a Tree Preservation Order or tree within a Conservation Area.

Low level of harm

- Unauthorised signage and advertisements (unless the sign / advert seriously affects public safety).
- Fly posting.
- Any breach of planning control which is of a temporary nature (unless public safety is compromised).
- Unauthorised fences, walls and gates.
- Any technical or minor breach of planning control.
- Unauthorised telecommunications equipment or satellite dishes on residential dwellings.

RESOURCES

The commencement and prioritisation of enforcement action is determined by the guiding principle that the response to a breach of planning control should be proportionate to the harm it causes. With the number of enforcement complaints in Newham being extremely high, allocation of resources will fall in line with this principle.

In all cases, enforcement action should not be viewed as punishment, but what needs to be done to protect public amenity.

London Borough on Newham's resource allocation in relation to level of harm is as follows:

High level of harm breaches of planning control

These breaches will receive immediate attention, a priority site visit (often with corporate partners), and notices served within fourteen days where required.

Medium level of harm breaches of planning control

The breaches will be subject to investigation and response in line with effective service delivery. Particular focus will be given to issues affecting the housing stock in the borough such as multiple occupancy, conversions to flats and large scale poor quality extensions.

Low level of harm breaches of planning control

These breaches will be dealt with alongside other regulatory forces and will often be batched into project based initiatives for efficiency of process.

Persistent contraveners

Persistent contraveners of planning control are not tolerated and an appropriate level of resource will be allocated to tackle the problems they cause.

It is important to note that the prioritisation of enforcement action can also depend on:

- Time limits for enforcement action to be taken.
- Previous case history.
- The availability of any witnesses and their willingness to co-operate.
- Blatant disregard of the law involved in the breach or if it was a genuine misunderstanding.
- Willingness of the contravener to put right the breach.
- Likelihood of the offence being repeated.
- The overall probable public benefit of formal action.

SPECIAL PLANNING ENFORCEMENT ISSUES

Special planning enforcement issues for the London Borough of Newham include:

Quality Housing

The team is dedicated to ensuring Newham is a desirable place to live, work and stay, by means of protecting existing housing stock and monitoring new development to ensure high quality development.

Crime and ASB

Planning contraventions that are crime and anti social behaviour generators will be addressed as a high priority.

Historic asset base

Newham has a small historic asset base, and relatively few listed buildings. All efforts will be undertaken to preserve these important assets.

PROCEDURE

What you can do

Reports of a potential breach of planning control can be made:

By Post:

Planning Enforcement
London Borough of Newham
Newham Dockside
1000 Dockside Road
London E16 2QU

By Phone:

Planning Duty Officer
020 337 38300

By Email:

planningenforcement@newham.gov.uk

Online:

www.newham.gov.uk/planning

When reporting a potential breach of planning control it is helpful if you have as much information as possible and as a minimum include:

- The exact address of the property (if the property is not correctly identified Council officers may not be able to inspect the site).
- Details of the alleged breach.
- Any other relevant information, such as photos.
- Your name and contact details.

Anonymous reports will be afforded a low priority and such cases may not be visited for some time or at all.

Every effort is made to safeguard the confidentiality of any private individual who reports a potential breach of planning control. If an appeal is made against an enforcement notice to the Planning Inspectorate any complainant will be notified and asked if they wish to submit additional representations or to appear independently at a public inquiry or hearing to support the Council's case. The strength of local support is often crucial to the Council's success on appeal.

At all stages of the enforcement process the knowledge and information held by members of the general public and residents' groups will supplement that available to the Council from official records and from site inspections.

What we will do

When an enquiry into a potential breach of planning control is received it will be acknowledged by email or post. An investigation into the enquiry will then begin.

The enforcement process followed by the London Borough of Newham will follow the standard process as set out in the Government's Planning Practice Guidance (2014).

The Council will endeavour to respond to enquires made by customers in relation to specific enforcement cases. Routine updates on reports of a potential breach of planning control will not be provided during the course of an investigation; however contact can be made with the relevant case officer once an enquiry has been assigned.

It is important to note that planning enforcement can be a lengthy and legally complex process and the time taken to reach a satisfactory resolution can vary considerably between investigations.

Complaints

If you wish to make a complaint about how we have dealt with an issue, you have the right to make a formal complaint which will be dealt with using our complaints procedures.

Full details can be found at:

www.newham.gov.uk/complaints