



Theydon Bois Parish Council

To: **Jerry Godden, Principal Planning Officer (Heritage, Enforcement & Landscaping)**

From: The Planning Committee, Theydon Bois Parish Council

Subject: **Consultation on the proposed revisions to the Local Enforcement Plan (2018)**

Date: 22nd October 2018

Dear Mr Godden

Thank you for your email of 20th September 2018, inviting our Parish Council to respond to the consultation on the proposed 'Local Enforcement Plan, 2018', which has been revised from that adopted by Epping Forest District Council in 2013.

Generally, the members of our Planning Committee found this to be an informative document, particularly since we receive a number of enquiries each year from residents relating to new developments which they perceive may constitute breaches of planning control. Generally, we refer those who make enquiries directly to yourselves, but on some occasions our Councillors have also raised concerns, particularly where no planning permission has been applied for prior to commencement of the building work or activity.

Mostly, however, our comments relate to Sections 2 and 3 of the proposed Policy document:

Under Section 2.8: Category B: Would it be reasonable to anticipate a site visit by a member of the Enforcement Team within 7 days, rather than 14, since some types of building work can advance significantly within a two-week period ?

Under Section 3.13: Bullet point two – Are requests consistently made for formal applications to be made for Certificates of Lawful Development, so that it can be determined that a development, which has already taken place, is lawful ?

We have seen a number of examples of building work undertaken where, after an enquiry has been made, no certification has been applied for, in spite of the concerns reported by residents or ourselves. How then, is assessment made, and by whom, as to whether the development is lawful, if no certification is issued ? How is this aspect scrutinised by the Local Authority ?

Bullet point four – Reference to the so-called 'four, or ten, year rule'. Taking into consideration the concerns raised during the recent 'Planning Process Review', our Planning Committee would again mention that, previously, 'Certificates of Lawful Development for Existing Use', if objected to by a Parish/Town Council, could be put before an Area Planning Sub-Committee for consideration and determination or, alternatively, could be 'called-in' by an Elected Member.

Both we, and two other Parish Councils, raised concerns over the changes made under 'CLD2, Section B' of the 'Planning Process Review', as the unlawful use of buildings, or land, either in breach of a planning condition or without the required permission, clearly raises significant concern among both Councillors and residents.

On the understanding that, if such uses are time-immune from enforcement, it would seem reasonable to require that any evidence of such continuous use, or breach, is subject to a higher level of scrutiny.

Therefore, it would be helpful to know what procedures can be followed to ascertain whether conflicting evidence of such use exists and whether residents local to a site, and their Parish/Town Councils, will be consulted to ensure that the Local Authority has carried out a thorough analysis, before deciding what action to take.

Where a Parish/Town Council believes it can raise an objection material to qualification under the 'four, or ten, year rule', we previously stated that we would wish to see applications for 'Certificates of Lawful Development for Existing Use' determined by the relevant Area Planning Sub-Committee.

Finally, in the light of recent changes to the National Planning Policy Framework, 2018 and the emergence of a new Local Plan for the District, which may be adopted (after the Examination in Public) in 2019, we would query whether the 'review period' for the Local Enforcement Plan should, preferably, be less than five years, so giving a further opportunity for consideration within that time-frame.

We hope you will take our comments on the proposed changes into account before the Policy Document is adopted, and thank you for your time and consideration in this matter.

Please acknowledge receipt of this response.

Caroline Carroll

Clerk to the Council, Theydon Bois Parish Council