

Minutes

Residents' and Environmental Services Policy Overview Committee

Tuesday, 15 December 2009

Meeting held at the Civic Centre, Uxbridge

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Come into effect on Immediately



	<p>Members Present:</p> <p>Councillors Michael Markham (Chairman) Kay Willmott-Denbeigh (Vice-Chairman) Lynne Allen Paul Buttivant Janet Duncan Judy Kelly</p> <p>Officers Present:</p> <p>James Rodger Jim Lynn Eddie Adamzcky</p>	
1.	<p>Apologies for Absence</p> <p>There were no apologies.</p>	
2.	<p>Declarations of Interest in matters coming before this meeting.</p> <p>There were no declarations of interest notified</p>	
3.	<p>To agree the Minutes of the meeting held on 18 November 2009</p> <p>The minutes of the meeting held on 18 November 2009 were agreed as a correct record and signed by the Chairman.</p>	
4.	<p>To confirm that all items marked Part 1 will be considered in Public and that any items marked Part 2 will be considered in Private</p> <p>It was confirmed that all items of business would be considered in public.</p>	

<p>5.</p>	<p>Forward Plan - December 2009 - March 2010</p> <p>Forward Plan - December 2009 to March 2010</p> <p>The Committee considered extracts of items in the Forward Plan for the Cabinet meeting on 17 December 2009. The reports on the following topics to be circulated to members.</p> <ul style="list-style-type: none"> i. the Update on Ealing's Local Development Framework and the impact on Hillingdon (Cabinet Member Report in December) ii. Accessible Hillingdon Supplementary Planning Document (Cabinet Report in September) <p>Resolved – That items on the Forward Plan be noted and members asked for a briefing notes on</p> <ul style="list-style-type: none"> i. London Common Permit Scheme for the Management of Street Works and Road Works. ii. Street Trading Regulations. 	<p>Action By:</p> <p>Gill Brice</p>
<p>6.</p>	<p>Work Programme 2009/2010</p> <p>Members were informed that the Work Programme needed to be amended as the final report for the review on Planning Enforcement - Construction And Use Of Detached Outbuildings (Homes In Back Gardens) would not be presented to the committee until the February meeting. The February meeting would also be the first witness session for the next review.</p> <p>Resolved: That the Work Programme as amended be noted.</p>	<p>Action By:</p> <p>Gill Brice</p>
<p>7.</p>	<p>Witness Session - Planning Enforcement - Construction and Use of Detached Out Buildings (Homes in Back Gardens)</p> <p>Witness Session - Planning Enforcement - Construction and Use of Detached Out Buildings (Homes in Back Gardens)</p> <p>The Chairman welcomed the witnesses: James Rodger (Head of Planning and Enforcement), Jim Lynn (Enforcement Officer), and Eddie Adamzyck (Deputy Enforcement Manager).</p> <p>Officers were thanked for the background information that had been provided in the scoping report, which provided members with details of where the Council currently was in relation to planning enforcement of construction and use of detached out buildings.</p>	<p>Action By:</p> <p>James Rodger Jim Lynn Eddie Adamzyck Gill Brice</p>

A member asked what changes had been made to the Permitted Development Order in October 2008, which had been referred to.

Officers reported that the change made in relation to outbuildings was in regard to the height and distance from the dwellinghouse and needing to be incidental to the dwellinghouse. Prior to 2008 larger outbuildings were allowed under permitted development rights. Officers further advised that where occupiers applied for Certificates of Lawfulness for outbuildings if it was felt the building was not being used incidental to the main dwellinghouse the certificate had been refused.

A member stated that although this change had tackled the size of outbuildings allowed in rear gardens the committee should not be distracted by this change. The use being made of outbuildings in rear gardens was the issue and what could be done to improve the timescales for enforcement of the unauthorised erection and use of outbuildings within existing residential properties.

The Chairman stated that whilst members recognised that officers worked closely with other departments it was important that this continued and suggested a recommendation to this effect.

The committee asked what working relationship the Enforcement Team had with outside agencies.

Officers reported that they had built up links with various outside agencies sharing intelligence where appropriate.

A member stated that where it was known that an outbuilding was being used as a separate dwelling that the District Valuer should be notified immediately.

Officers advised that they would liaise with Council Tax to see whether the principle of notifying the District Valuer in relation to the use of outbuildings as separate dwellings was something that could be brought into practice. The Chairman and Labour Lead to be advised if this was able to be undertaken.

The committee asked for a brief summary of the current database system used by the Enforcement Team.

Officers advised that the Enforcement Team actually liaised with various departments within the Council all the time. It was felt there was a need to look at the databases held by departments to see whether the information held could be made accessible corporately, which would save time when investigating cases across the Council.

Officers advised that Ocella was the database system being used in the Enforcement Team and that changes were being made to enable exchange of information in regard to retrospective planning applications in relation to the erection and use of outbuildings within existing residential properties to be shared with officers in the Enforcement Team. This would enable a Part 2 enforcement report to be considered at the same meeting a report on the retrospective planning application, if it was being recommended for refusal. This would improve the timescales for enforcement action being taken.

The committee asked whether the contract planning officers currently dealing with the Council's planning applications would have the experience to write the enforcement reports.

Officers advised that the current contracts were up for renewal in the next 3 months and could be changed to add to the job specification the requirement to write planning and enforcement reports. Officers from the Enforcement Team would still have an input into the reports to provide the reasons for expediency. This could be addressed in the new contracts when being renewed.

The committee asked what change to the permitted development rights was being suggested.

Officers reported that the change was to seek the reduction of the size of an outbuilding from 30 sq m to 25 sq m and would enable larger outbuildings to be bought under the control of the Local Planning Authority.

The committee felt that this was something that other authorities might support and that Hillingdon should take the lead and write to other planning authorities to ask for their views. If there was national support for seeking these changes a campaign for a change in the law could be undertaken.

In regard to the criminalisation of breaches of planning control this was reviewed in 1989 when it was decided not to make unauthorised breaches a criminal offence. Members felt that before this was taken further discussions needed to be undertaken with other departments before any review was sought on criminalisation of breaches in planning control.

The committee asked for further information on Article 4 Directions.

Officers informed members that an Article 4 Direction took away permitted development rights so that any proposed development would require a planning application to be submitted. An Article 4 direction can be sought for certain areas where the problem of outbuildings are most prevalent and would give the Planning Authority greater control over these kinds of development.

A study showing the effect of these structures and the consequences in the area would need to be carried out to back up the Council's case if an Article 4 Direction was sought. The study along with a formal application would then be made to the Department of Communities and Local Government for confirmation of the Article 4 status in these areas.

Members were informed that the current planning legislation regarding Article 4 Directions can lead to the risk of compensation by removing the householders Permitted Development rights. New provisions of the Planning Act 2008 would introduce protection from payment of compensation providing the Local Planning Authority had given notice of the withdrawal of Permitted Development rights to all affected for a period of 12 months before it came into effect.

At the end of the discussion, the Chairman thanked the officers for attending the meeting.

The following recommendations were moved, seconded and agreed by the committee.

Recommendations – That approval be given to the following recommendations being included in this committee's final report to Cabinet:-

- 1. That the Planning Enforcement Team continue its inter departmental forum involving Private Sector Housing, Council Tax, Housing Benefits and Building Control departments and meets on a regular basis to exchange views, intelligence and to work more closely in dealing with unauthorised outbuildings corporately. That office's continue to update the working protocol.**
- 2. That the Planning Enforcement Team continues to work with various outside bodies, such as the District Valuer, the Border Agency, Fire Service and Local Police to share intelligence where appropriate.**

- 3. That the Planning Enforcement Team continues to seek changes to the working protocol between Planning Enforcement and Planning Officers dealing with retrospective planning applications, in particular to make changes to the Ocella Database to identify enforcement concerns to planning officers and investigate a corporate joint IT system.**
- 4. Where appropriate, if retrospective planning applications for retention of outbuildings or separate residential dwellings are submitted to the Planning Committee with recommendations to refuse planning permission, officers should be required to write enforcement reports under Part 2 of the agenda on the same Planning Committee with recommendations for the taking of enforcement action.**
- 5. The improvements currently being undertaken under the Ocella Enforcement database system are continued to enable enforcement officers to work more effectively.**
- 6. That officers identify other Local Authorities in England and Wales with similar problems (construction of buildings in back gardens) with a view to seeking their support in establishing a joint campaign to lobby for changes to the law and relevant regulations and criminalisation. In addition support for such lobbying from London Councils, and Local Government Association and other groups.**

Recommended Changes

- i) An amendment requiring owners to apply for planning permission for outbuildings with a floor area greater than 25 sq. metres. (measured externally).**
- ii) Changes to the schedule of exempt buildings schedule under Regulation 9, of Schedule 2, Class VI (small detached buildings) of the Building Regulations Act 2000 to reduce it to 20 sq. metres.**

	<p>7. That consideration be given to the imposition of Article 4 Directions on certain areas in the Borough, in particular those wards where the problem of outbuildings is most, prevalent, and to submit a formal application to the Department of Communities and Local Government for confirmation of Article 4 status in these particular wards.</p> <p>The meeting closed at 19.10 p.m.</p> <p>Next Meeting : 19 January 2010</p>	
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These are the minutes of the above meeting. For more information on any of the resolutions please contact Gillian Brice on 01895 250693. Circulation of these minutes are to Councillors, Officers, the Press and Members of the Public.