

Consultation: Powers for dealing with unauthorised development and encampments

The Alliance responded online to the Government's consultation: [Powers for dealing with unauthorised development and encampments](#). While this consultation is aimed towards traveller encampments, the issues around enforcement powers have wider application. The questions to which the Alliance responded are set out below.

Question 13 - Are you aware of any specific barriers which prevent the effective use of current planning enforcement powers?

Yes. The main two concerns are the lack of conservation officers employed by local authorities which hinders their activities, and the high costs for Local Authorities in some enforcement cases.

The number of conservation officers has been shown to have dramatically fallen (insert stat from Heritage Counts) meaning that advice concerning the historic environment is not as readily available, meaning there are fewer resources available to make decisions on enforcement action.

Even where a conservation officer may desire enforcement action to be taken, local Authorities may be hesitant to take action due to fear of this eating into their already reduced budgets and impacting on the provision of other statutorily mandated services. This has two factors – under resourced legal teams will have other cases such as child protection which need to be worked on.

Taken together this means that current planning enforcement powers are not used effectively.

Question 14 - If you are aware of any specific barriers to effective enforcement, are there any resourcing or administrative arrangements that can help overcome them?

As set out above the barriers are lack of funding for planning department staff whether as to identifying the breach or then bringing legal action.

Effective enforcement depends on being well funded both in terms of planning staff and legal costs/ teams. It is key that funding is ring fenced for this purpose.

The lack of enforcement action creates an environment where people feel they can 'get away with' minor unauthorised development such as replacing the windows in conservation areas as they feel the Council will not take enforcement action.

Perhaps costs could be reduced by having a centralised national team for the legal elements of enforcement. This will mean that stretched local authority legal teams don't have to find time away from statutory mandated action. It would also allow greater specialism and expertise to be developed on enforcement issues which would reduce the cost of enforcement action.

The announcement in 2015 of the £1 million fund, made available to local councils in order to aid the court process and fees was welcomed [insert more details] should be extended in order to allow Local Authorities to make effect use of their powers.

Another potential action to reduce the burden on local authorities is to enable citizens who are affected by unauthorised development to take enforcement themselves if they wish. This would still have to meet the same legal tests. This would obviously only be effective in areas where there are people rich enough to take enforcement action. However, the risk of an individual taking enforcement action would be a significant deterrent.