

Southern Landlords Association - *'the Council's approach to planning enforcement'*.

The view of the SLA is in line with the published central government policy and guidance notes on enforcement. The council should follow this guidance and specific policies aimed as usual at HMO housing and should not stray from this guidance. We do not support a "zero tolerance" race to court as proposed by others. If the council does not follow the government guidance it will lay itself open to local Government Ombudsman claims for maladministration.

Government guidance states that enforcement action should only be taken when expedient to do so. The expediency test is the critical test and the council should continue to uphold this test. A breach of planning control is not a criminal offence and just because there has been a breach of planning control is not a reason to take action. Taking enforcement action is not a mandatory duty of the council it is discretionary and should be judged on a case by case basis. The decision to take action rests on whether the breach causes "significant harm". It is for the council to decide this and if significant harm cannot be shown then it is not expedient to take enforcement action. We have particular concern over taking action against historic breaches of planning law that may have occurred a significant number of years ago and gone unnoticed and unchallenged. This type of historic breach cannot be causing significant harm if nobody even realized and thus fails the expediency test.

To conclude we feel that currently the council does not follow the expediency test and will take enforcement action because it is pressurized by an all powerful few, even if "significant" harm cannot be adequately demonstrated. The council should review government guidance and operate within it.

Dr Julian Jenkinson

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