

**Appendix C – Consutation Responses received out of time**

**James Dalglish**

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**From:** Judith lord  
**Sent:** 21 January 2013 19:04  
**To:** Planning Enforcement  
**Cc:** Cllr Alan Neal  
**Subject:** Planning Enforcement Policy

Dear Sir/Madam

Having read the above I find it very hard to understand. It seems to be full of contradictions, and anyone considering applying for planning permission would read it as a get out of jail policy. It seems to be slanted in favour of the person breaking the planning regulations rather than the person suffering the results.

I have taken the trouble to read the Enforcement Policies of other Local Authorities and find them much easier to understand and find things in them that you have missed out. Apparently you are obliged to have a register of all Enforcement and Stop Notices under Section 188 of the Town & Country Planning Act 1990. Also you do not mention Section 215 which other authorities include in their policies.

I hope you find my comments useful

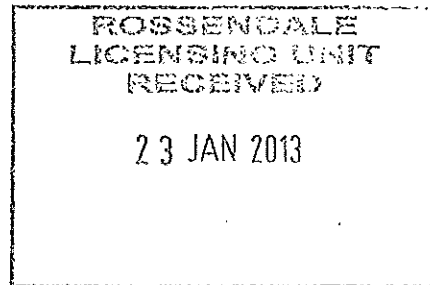
Regards  
Judith M Lord

RECEIVED OUT OF TIME

17<sup>th</sup> January, 2013

Newchurch Road  
Stacksteads  
Bacup  
OL13 0NH

Attention of Planning Enforcement Officer  
One Stop Shop  
Lord Street  
Rawtenstall  
Rossendale  
BB4 7LZ



Dear Sir

**Re: Planning Enforcement Policy – The tail is wagging the dog.**

Planning law is what it says - planning law - and as all laws, it has judicial significance. It is made up of precedential law cases, as tested through the courts. This is the basis of our democratic society, or should be.

The duly democratically elected members of the Council who sit on the Development Control Committee make a decision, to allow planning permission, based on the facts put before them, having taken into consideration the case for and against their decision. It is then up to the relevant Chief Officers to carry out their wishes. In your proposed Planning Enforcement Policy you refer to the Council when in fact it is the Officers who are taking the decisions.

If any law has been decided on by due process, it is not legal for an unelected person or Council Officer to pass a judgement which will negate the wishes of the Council. Your proposed Policy states just that. You state in the policy that the Council will exercise its discretion. You do not even refer to the Core Strategy or any of your Strategies, which surely you should take into consideration.

I also notice that you have omitted to mention Section 215 which can be a very effective tool, or the necessity for you to keep a register of all Enforcement Notices and Stop Notices under Section 188 of the Town and Country Planning Act 1990. Why have you omitted these? Do you have the required register and where can I inspect it?

If a planning breach has occurred and not reported to the Council this does not invalidate the breach. I quote Lord Denning – “Coming to a nuisance does not invalidate the nuisance.” This means if a breach of condition is causing a nuisance and it is not reported it does not mean the nuisance/breach has not happened. The police still have to investigate a crime contra to law, irrespective if no officer witnessed it or if it was not immediately reported. If a crime has been committed time is irrelevant.

The Government has removed such time limits for that reason and it is illegal for a Council to adopt this stance.

Law and planning law cannot be decided on by Officers of the Council or their representatives, but by correct due legal process. If this was the case then you could dispense with the judiciary and let the police make up their own laws and then choose how they will enforce them, making the whole process silly and quite irrelevant.

This Planning Enforcement Policy is a complete legal mess giving officers the power to be judge and jury and diminishing its true legal significance. This is however very convenient for the officers who can do as they do now, simply ignore the wishes of the Council and the public and do nothing.

This document negates the authority of the duly elected members and laughs in the face of the law. It also denies the residents of Rossendale of due protection and allows the officers to have an easy life and do as they see fit. It is full of get out clauses, and contradictions.

In conclusion it is my understanding that officers are appointed to serve the democratically elected members and follow their instructions. We must therefore not allow the officers (the tail) to decide what they will or will not do but the Council (the dog) must make the decisions. The tail must not wag the dog.

Yours Sincerely

