

Subject: ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480)

Dear [REDACTED],

Thank you for your email below. I am well thank you as I hope you and all other persons for this email are too!

I will endeavour to answer your questions below, underneath each questions posed as this is the most prudent way to answer them. I can only respond to fact; I cannot offer my opinion on non-planning matters. I am sure you can appreciate this caveat.

Kind regards

From: [REDACTED]
Sent: 27 January 2023 11:11
To: [REDACTED] [\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk); Sutherland-Thomas, Iain Iain.Sutherland-Thomas@Barnet.gov.uk
Cc: [REDACTED]; theresa@theresavilliers.co.uk; [\[REDACTED\]@parliament.uk](mailto:[REDACTED]@parliament.uk)
Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480)
Importance: High

**** Warning External Email ****

Good morning [REDACTED],

I hope this email finds you in good health.

I would like to ask a number of new questions, as well as further request that you reply to my questions in my email dated 25 January 2023 (see below).The latter have been included in this email and further extended. This is partly in response to conversations I have had with neighbours, and partly to try to make sense of the decision made by the Independent Planning Inspectorate. To clarify, the Inspectorate from Barnet Council has decided that the appeal will also be assessed by the inclusion of a **public hearing**.

I would like to clarify that the Planning Inspectorate represents the Secretary of State for the British government. Barnet Council is not affiliated with the Inspectorate. The Independent Planning Inspectorate stands outside of any local planning authority. The Inspector for the above appeal has decided to include a public hearing for the above appeal.

As a reminder and up until this point, I, along with the support and in collaboration with local neighbours and residents, have provided documented evidence, including clear photographs, of the illegal construction work at number 18 Underne Avenue N14 7NE since February 2021. As a community, we have been patient, corresponded with Barnet Council in a civil and courteous manner, followed due processes and sent out 'individual third party' appeals in support of the enforcement notice and in objection to the development taking place at 18 Underne Avenue.

In your own words, please answer the following **five** questions with full explanations to everyone cc'd into this email, as opposed to attaching generic council documents that are not very user-friendly to digest.

1. **Why** has the decision to include a public hearing been taken in this case?

This is a decision made by the Inspector for the above appeal. The Inspector has complete powers in regard to the appeal and public hearings are usually called for in order for the Inspector to gain greater clarity in regard to complex appeals with several issues and objections to its development(s). Although, I have no real knowledge, I suspect that the Inspector on receipt of several 'third party' appeals may want to gain better clarity in regard to the complexities found in these third party appeals.

2. **How** does a public hearing add value to the process of this case?

The hearing will allow the Inspector to go through the written statements from the appellant (owner of the site), the LPA and the third party appeals and ask further questions in regard to the points that have been made in the statements, much like a (far more informal version) of a court case. Unlike written statement based appeal site visits; public hearing appeals will allow the Inspector to ask further questions of any of the parties present at the appeal site visit; appellant, LPA and any third party appeals.

3. **What** further evidence is the public hearing expecting to uncover of unlawful constructions by Mr. Murat Asiroglu?

There is no real expectation in regard to the public hearing. However, it does not preclude that certain relevant facts or information may come to light that the Inspector was not aware of, from the written statements of all parties; appellant, LPA and third party appeal statements. Inspector's questions during the public hearing and the appeal site visit. The premise of the public hearing is purely in regard to further investigation by the Inspector.

4. **Will** including a public hearing in this case further delay a decision on the outcome?

I would think a public hearing would cause further delay. Currently in regard to appeal site inspections for written statement cases only, they are way behind schedule. I have waited well over a year for some appeal site inspections by Inspectors for appeal cases. The Independent Planning Inspectorate is vastly overburdened with appeal cases, and it is not surprising that appeal processes take a long time to unfold.

5. **When** do you anticipate a final decision on this case, in which Mr Murat is either instructed to adhere to the enforcement notice or not - 6, 12, 18, 24 months? Please provide a estimate based on previous cases.

As with my previous answer. It would be difficult for me to give an accurate time frame. If I was forced to choose a period; I would say 12 months from now. However, in reality, it will all depend on the Independent Planning Inspectorate, as the ball is in their court.

Further to my email dated 25 January 2023, please respond to the following **five** questions:

1. Is Mr. Murat Asiroglu, the owner of 18 Underne Avenue, being legally represented by someone who has been previously employed by Barnet Council? Did he work in the Planning Department?

Mr Asiroglu (the appellant), has retained the services of Henry Planning Consultancy & Development, to which the CEO of this company is Mr Joe Henry. Mr Henry was Head of Planning and Building Control Services for Barnet Council's planning authority, for several years. I believe he left the Council in July 2016. Since that time; Mr Henry has not been involved or influenced any decision process by the LPA whatsoever. Mr Henry runs a privately owned practice and is not affiliated with the LPA.

2. If the answer is "yes" to question 1, did he work alongside you, Ian Sutherland-Thomas, [REDACTED] and others as a working colleague?

Mr Henry in his capacity as Head of Planning and Building Control Services for Barnet Council's planning authority, had management responsibilities that included among many others; the supervision of Iain Sutherland-Thomas and [REDACTED]. I personally have never worked for Mr Henry as I joined the Council on 15th December 2016. I have always worked under [REDACTED] (who is my line manager), Iain Sutherland-Thomas who is the planning enforcement manager and Fabien Gaudin who is Head of Planning and Building Control Services for Barnet Council.

3. If the answer is "yes" to question 2 - does this represent a **conflict of interest** in this case?

As per my answer to question 1. There is no question of a conflict of interest in regard to this case. You have not given any particular details; however, if I am taking what you are inferring to correctly. Absolutely not; in any way shape or form.

4. If the answer is "no" to question 3 - can you state for the record and on behalf of Barnet Council and Barnet Council Planning Department that you are not aware of any infringements or duplicitous agreements that have hindered, obstructed or added complexity to this ongoing case, or agreements/arrangements that have assisted Mr. Murat in any way?

The LPA in regard to the above enforcement case or any other planning application, enforcement case, or building control case, regarding the appellant, Mr Murat in relation to the above appeal. Has categorically not committed or made any infringements or duplicitous agreements that have hindered, obstructed, or added complexity to this ongoing case or any other case, or agreements/arrangements that have assisted Mr. Murat in any way

5. If the answer is "yes" to question 3, what happens now?

Not applicable to the LPA

I hope this answers your questions in an understandable form. Please let me know if you or any other interested parties, require further clarity in regard to the answers provided above.

Kind Regards

[REDACTED]
Planning Compliance Enforcement Officer
London Borough of Barnet
2 Bristol Avenue, Colindale NW9 4EW
Tel: [REDACTED]
Barnet Online : <http://www.barnet.gov.uk>

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LGO Awards 2018
FINALIST



From: [REDACTED]

Sent: 27 January 2023 11:11

To: [REDACTED]@Barnet.gov.uk>; Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Cc: [REDACTED]; theresa@theresavilliers.co.uk;
[REDACTED]@parliament.uk;

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480)

Importance: High

**** Warning External Email ****

Good morning [REDACTED],

I hope this email finds you in good health.

I would like to ask a number of new questions, as well as further request that you reply to my questions in my email dated 25 January 2023 (see below). The latter have been included in this email and further extended. This is partly in response to conversations I have had with neighbours, and partly to try to make sense of the decision made by the

Independent Planning Inspectorate. To clarify, the Inspectorate from Barnet Council has decided that the appeal will also be assessed by the inclusion of a public hearing.

As a reminder and up until this point, I, along with the support and in collaboration with local neighbours and residents, have provided documented evidence, including clear photographs, of the illegal construction work at number 18 Underne Avenue N14 7NE since February 2021. As a community, we have been patient, corresponded with Barnet Council in a civil and courteous manner, followed due processes and sent out 'individual third party' appeals in support of the enforcement notice and in objection to the development taking place at 18 Underne Avenue.

In your own words, please answer the following five questions with full explanations to everyone cc'd into this email, as opposed to attaching generic council documents that are not very user-friendly to digest.

1. **Why** has the decision to include a public hearing been taken in this case?
2. **How** does a public hearing add value to the process of this case?
3. **What** further evidence is the public hearing expecting to uncover of unlawful constructions by Mr. Murat Asiroglu?
4. **Will** including a public hearing in this case further delay a decision on the outcome?
5. **When** do you anticipate a final decision on this case, in which Mr Murat is either instructed to adhere to the enforcement notice or not - 6, 12, 18, 24 months? Please provide a estimate based on previous cases.

Further to my email dated 25 January 2023, please respond to the following five questions:

1. Is Mr. Murat Asiroglu, the owner of 18 Underne Avenue, being legally represented by someone who has been previously employed by Barnet Council? Did he work in the Planning Department?
2. If the answer is "yes" to question 1, did he work alongside you, Ian Sutherland-Thomas, [REDACTED] and others as a working colleague?
3. If the answer is "yes" to question 2 - does this represent a conflict of interest in this case?
4. If the answer is "no" to question 3 - can you state for the record and on behalf of Barnet Council and Barnet Council Planning Department that you are not aware of any infringements or duplicitous agreements that have hindered, obstructed or added complexity to this ongoing case, or agreements/arrangements that have assisted Mr. Murat in any way?
5. If the answer is "yes" to question 3, what happens now?

A comprehensive reply within 5 working days would be appreciated by everyone.

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 25 January 2023 12:04
To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>; 'Sutherland-Thomas, Iain' <Iain.Sutherland-Thomas@Barnet.gov.uk>
Cc: [REDACTED];
'theresa@theresavilliers.co.uk' <theresa@theresavilliers.co.uk>; [REDACTED]@parliament.uk';
[REDACTED]@parliament.uk>; [REDACTED]

[REDACTED]

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480)
Importance: High

Good morning [REDACTED]

Thank you for the update on the ongoing situation regarding ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480).

I am replying as a courtesy to you, as well as a means to include additional local residents who will not have received your email. They have been added to the Cc list as above.

Speaking personally, this ongoing crisis is very new to my wife, daughter, and I. We have never experienced the circumstances in which we are living through now and want to ask if there is anything more we can do without incurring legal costs. Please advise.

Referring to your email below, it appears now that we need to wait until an appeal hearing date is announced, unless we want to add more details to our written representations appeal. Please confirm.

Furthermore, I would like to ask for your professional advice/opinion on a matter as yet unmentioned in any correspondences I have had with you since number 18 began construction work onsite. Can you confirm that Mr. Murat Asiroglu from MA Engineering Ltd has been and is currently represented in a legal capacity by an old colleague from Barnet planning department? I am deeply concerned that this amounts to a conflict of interest. Can you categorically state otherwise please.

I look forward to hearing from you soon.

Kind regards,

From: [REDACTED] <[REDACTED]@Barnet.gov.uk>

Sent: 25 January 2023 11:04

To: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>; [REDACTED]

[REDACTED] <[REDACTED]@Barnet.gov.uk>; Planning Appeals
<PlanningAppeals@Barnet.gov.uk>

Subject: ENF/1016/21 - 18 Underne Avenue, London N14 7NE (APP/N5090/C/22/3311480)

Dear [REDACTED] and all other interested parties,

In regard to the above enforcement case and its associated enforcement notice and above appeal. Please be aware that the Independent Planning Inspectorate has now decided to make an addition to the format of the above appeal.

The appeal will now also be assessed by the inclusion of a public hearing. Please find attached the second start letter in regard to the public hearing and also a copy of the letter that was sent to all original consultation addresses for the written representations part of the appeal, this morning. However, any person on this email list or other parties currently unknown to the LPA can of course make a new third party appeal by the 1st March 2023.

As stated in the start letter above, if you have already made a written representations appeal; there is no need to repeat it; unless of course you would like to add or change your previous appeal submission.

Details of where and when the appeal hearing will be held will be announced at a later date.

Any questions arising from this email, please don't hesitate to contact me.

Kind Regards

[REDACTED]
Planning Compliance Enforcement Officer
London Borough of Barnet
2 Bristol Avenue, Colindale NW9 4EW
Tel: [REDACTED]
Barnet Online : <http://www.barnet.gov.uk>



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From [REDACTED]
Sent: 19 December 2022 17:59
To: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>; [REDACTED]
Cc: [REDACTED]

[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Dear [REDACTED],

In regard to the above enforcement case. I have received a 'start letter' today, from the Independent Planning Inspectorate in regard to the appeal that has been lodged by the appellant (owner of the above site), against the enforcement notice served upon it. Please see a copy of the start letter attached with this email.

You and all other complainants in regard to the development for the above site, have the right to make 'individual third party' appeals in support of the enforcement notice and in objection to the development for the above site. If any complainant wishes to.

The term '*individual third party*' indicates that any and all appeals must be made and submitted to Independent Planning Inspectorate by each set of complainants. That is say for each email in the above list; a separate third party appeal must be submitted. A group appeal is not really acceptable in this matter.

The deadline for submission of the LPA's appeal statement of case and any other third party appeal is the **16th January 2023**. The third party appeals can simply be a letter, or a plain email sent to the following email addresses by the deadline date above.

In the To field: teame2@planninginspectorate.gov.uk in the Cc field TeamE1@planninginspectorate.gov.uk In the **subject field** you must enter the following information.

APP/N5090/C/22/3311480 - 18 Underne Avenue, London, N14 7NE You should address the email to Mr Maxwell.

Any of the third party appeals do not have to contain professional jargon or terminology. The third party appeals can be in the complainant's own words and personal to their feelings and the points they wish to comment upon, in regard to the development for the above site.

I hope the above is clear and understandable. Please do let me know if further explanation is required.

Kind Regards

[REDACTED]
Planning Compliance Enforcement Officer
London Borough of Barnet
2 Bristol Avenue, Colindale NW9 4EW
Tel: [REDACTED]
Barnet Online : <http://www.barnet.gov.uk>



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From: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Sent: 05 December 2022 17:36

To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Cc:

[REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Dear [REDACTED]

Thank you for your email. We will consider your comments.

Once the appeal has started you (and other neighbours) will receive a consultation letter, this will be your next opportunity to influence the final outcome of the case. Unfortunately, I cannot give any form of realistic estimate as to when the consultation will open, this is entirely at the discretion of the independent planning inspectorate.

You do not make any specific planning allegations in relation to the recent deliveries. If building works commence and you suspect that they are without planning permission, we will be happy to open a new investigation if you contact us.

Regards,

Iain Sutherland

From: [REDACTED]

Sent: 05 December 2022 16:51

To: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk> [REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Cc:

[REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Importance: High

**** Warning External Email ****

Dear Iain Sutherland-Thomas,

Thank you for informing everyone that number 18 has appealed against the enforcement notice. However, your apology is not accepted. Once again, Barnet Council Planning never fails to disappoint.

In the email dated 17 October 2022 14:12, [REDACTED] stated *"I will of course keep you and all the other complainants updated with any further progress of the above enforcement case, as it transpires"*. He did not and as his manager, this falls on you. It was only a reply to my email dated 02 December 2022 10:30 that Barnet Council Planning decided to declare that *"an appeal against this notice has been made"*. You might consider this a moot point, but its just more evidence at the lack of care and attention to detail you have shown all the way through this building nightmare. We first contacted Barnet Planning via email on November 2021 about the illegal construction taking place at number 18 by Mr. Murat Asiroglu from MA Engineering Ltd and today is the 5th. December 2022. On your behalf, I feel ashamed of the Barnet Council Planning team.

Even more nauseating is your lack of empathy and the casualness in which you say *"the notice will be suspended until the appeal is determined. Unfortunately, we do not anticipate that the inspectorate will determine the appeal for quite a few months yet."* It feels like you are effectively washing your hands of your responsibilities, closing your eyes and crossing your fingers and wanting this to go away, as the weeks turn into months, and the months into years. Unforgivable. You have failed to help those that have asked for support in upholding the law.

Meanwhile, as I stated on most recent email dated 02 December 2022 10:30, *"a very large Jewson lorry unloaded tons of building material onto the shared path that runs between 18 and 20 Underne Avenue"*. It is crystal clear that Mr. Murat Asiroglu from MA Engineering Ltd is preparing to carry out more building works. That's right Iain Sutherland-Thomas, close your eyes.

As a retrospective reminder, on Wednesday 24 November 2021. 15.27, in reply to one of the first contacts we had with Barnet Planning, Keshni Patel-Rayani from Planning replied stating the following:

As discussed on the phone call yesterday, there are two cases that I have on the above address. A case regarding a raised levels and a case associated with breach of condition are both open and are being investigated. It has been investigated that there has been a planning application submitted by number 16 and 18 Underne avenue regarding a single storey rear extension to both properties. However we have determined that there has been a breach of condition as both properties are required to build the extension within 6 months of the commencement of building works. The condition has been breached as the no 16 has not completed the building works. As per the discussion the council are looking to serve an enforcement notice in regards to the breach of condition as soon as possible. What happened – nothing. Remarkable. You must be very proud of the team Iain Sutherland-Thomas.

Kind regards,



[REDACTED]

From: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Sent: 02 December 2022 11:55

To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Cc: [REDACTED]

[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Dear [REDACTED]

As you may recall in early October a formal notice was issued in respect of the : “single storey rear extension with associated raised patio and steps; wall adjoining the single storey rear extension built on top of the raised patio to a total height exceeding 2 metres; The raising of the level of the rear garden and; The erection of boundary fencing (with 20 Underne) that exceeds 2 metres in height.” The notice demands removal of these items and restoration of the land to its previous state and states that failure to comply by the deadline is a criminal offence.

An appeal against this notice has been made. The notice will be suspended until the appeal is determined. Unfortunately, we do not anticipate that the inspectorate will determine the appeal for quite a few months yet.

I am not sure what I can advise as regards the access etc issues you raise. The matters you raise are ones that must be addressed between neighbours, but you may wish to take advice on how best to approach the conversation. Experience tells me that neighbour disputes can escalate out of proportion to the issue if the ‘wrong’ approach is taken.

I am sorry that I cannot bring you a more conclusive update.

Regards,

Iain Sutherland
Planning Enforcement Manager
Development & Regulatory Services (DRS)
London Borough of Barnet, 2 Bristol Avenue, Colindale NW9 4EW
Tel: 0208 359 4626 | Barnet Online: www.barnet.gov.uk



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From: [REDACTED]
Sent: 02 December 2022 10:30
To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>; Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE
Importance: High

** Warning External Email **

Good morning [REDACTED],

Can you please update everyone **immediately** on the situation regarding the enforcement case - for breaches in planning control found at number 18. It appears that the owner is disregarding the council letter, and is carrying on regardless. This morning at 09.00hrs, tons of building material was delivered onsite.

On that note, I am writing to notify Barnet Council Planning of the distress and anger we are feeling and to complain once again about the actions of number 18 Underne Avenue. This morning between 09.00hrs-09.40hrs a very large Jewson lorry unloaded tons of building material onto the shared path that runs between 18 and 20 Underne Avenue. In doing so the lorry parked directly across the driveway of number 20, blocking access and preventing the car being re-parked onto the private driveway for over 20 minutes. I spoke directly to the lorry driver who was very apologetic. He informed me that the owner of number 18 had instructed him to park across the driveway of number 20 to unload all the materials, as opposed to using his own driveway at number 18. (See attached photos).

Can the council please send a notice to instruct the owner of number 18 to move all the large building material from the shared pathway onto his own double driveway, that presently has 2 large SUV's parked on it. We have endured months of material being stored on this pathway and this is simply not fair. It was not designed to store huge amounts of building gear and is obstructing our rights of passage to easily and safely remove our wheely bins for weekly council refuse collections, as well as accessing our garden gate without the need to step over and around work materials.

I hope the council will take a robust approach and do the right thing here.

I look forward to hearing from you soon.

Kind regards,

without much preamble. The owner of the above site is well aware of the lawful ancillary use to the main house for the outbuilding.

Any attempt to change this ancillary use to that of a self-contained residential unit, will mean that an enforcement notice will be issued with very little forewarning.

In regard to your point concerning the longevity of the development for the above site. As an enforcement notice has been served for the breaches in planning control found for it. This has effectively stopped the clock; in regard to any future claim of immunity under the Planning and Compensation Act 1991 Section 4 171(B).

As the developments in question are clearly less than 4 years old. Effectively under the issue of the notice, irrespective of how much time passes; a claim of immunity cannot be made.

I hope this answers your questions and also keeps you and all other complainants for the above enforcement case, informed of its progress. I will of course keep you and all the other complainants updated with any further progress of the above enforcement case, as it transpires.

Kind Regards

[REDACTED]
Planning Compliance Enforcement Officer
London Borough of Barnet
2 Bristol Avenue, Colindale NW9 4EW
Tel: [REDACTED]
Barnet Online : <http://www.barnet.gov.uk>



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From: [REDACTED]

Sent: 06 October 2022 12:13

To: [REDACTED] <@Barnet.gov.uk>; Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Cc: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]@Barnet.gov.uk>

Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Importance: High

**** Warning External Email ****

Good morning [REDACTED]

Thank you for the updates and clarity on what Barnet Council planning have decided to do in regards to no 18 Underne Avenue and all the unlawful breaches in building and construction works.

On a mildly optimistic note, it was good to hear that the following developments will be enforced as part of the breaches outlined in the impending enforcement notice:

- The single storey rear extension
- The raised patio and associated steps
- The retaining wall built on top of the patio neighbouring no. 20 Underne
- The issue of the raised levels in the garden
- The raised height or replaced fencing height that exceeds 2 metres on a boundary with no. 20 Underne

Still concerning is the fact that he has either ignored or simply appealed enforcement notices before and he clearly has the finances to extend and waste time appealing notices with the support of legal advisers. **Is Barnet Council planning aware of there being a length of time which once passed means that current unlawful constructions / breaches at 18 Underne can legally remain? This seems to be a very critical point.**

On a **very disappointing note**, you are clear in stating that Barnet Council planning will not be doing anything in regards to the following, due to a potential claim of “excessive enforcement” from no 18:

- The formation of a new hardstanding to the front of the above site.
- The erection of an outbuilding to the rear of the above site. Although, as part of the whole developments made to the above site; they are in technical breach of planning control, if they were enforced; it is highly likely they would be approved on appeal. This would open the door to a cost claim of excessive enforcement, which if upheld, would make the LPA liable to pay out thousands of pounds in costs. Even if the rest of the appeal is dismissed.

Specifically on the outbuilding, can you confirm that no 18 applied for planning permission for this and all building regulations were followed and authorised by experts? According to a discussion with a legal professional, outbuildings between 15 metre square and 30 metre square require building regulations if the building has been built less than a metre from a boundary line – it has. It is directly against no 16 and no 20 fence line. More worryingly, no 18 has been digging and now covered up drainage/waste pipes and utilities joining the outbuilding and it appears that this is likely going to be used as a dwelling. **What happens when evidence is provided that a person (s) is sleeping in the outbuilding? And perhaps further in time, rents out the outbuilding to tenants?**

On the subject of excessive enforcement, you appear to be suggesting that Barnet Council planning have decided that the threshold for breaking building laws has been changed by the Barnet planning team, since Mr. Murat Asiroglu will say he has been notified too often of his unlawful activity. Let’s just hear that gain Mr. Murat Asiroglu will say he has been notified too often of his unlawful activity. Let’s just hear that gain Mr. Murat Asiroglu will say he has been notified too often of his unlawful activity. **This seems ludicrous.** No, more like tragic and indefensible and is a true reflection of the poor decisions that have been made over the last 12 months by Iain Sutherland-Thomas at Barnet planning. Please remember **nothing has been enforced** yet to date and **all construction works remain standing.** So where is the excessive enforcement?

It might seem churlish and perhaps even inappropriate to say this. However, were anyone in the Barnet Council planning team living next door to Mr. Murat Asiroglu, would Barnet council action have been very different - swift, appropriate and actionable and in direct contrast to the experience this small community is enduring? We are all still having to suffer the noise from large vehicles and construction work, witness someone flagrantly disregard building and planning laws and experience an uncooperative and disrespectful new neighbour.

From: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Sent: 05 October 2022 14:06
To: [REDACTED]; Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>
Cc: [REDACTED]
[REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Subject: RE: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Dear [REDACTED],

In addition to my email of yesterday. I neglected to mention a further breach of planning control, which is a new development for the above site, that of the raised height or replaced fencing height that exceeds 2 metres. This fencing is on a boundary with no. 20 Underne.

I can confirm that this element will also be enforced in regard to the impending enforcement notice to be served upon the above site.

Kind regards

From: [REDACTED]
Sent: 04 October 2022 16:32
To: [REDACTED] Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Subject: ENF/1016/21 - 18 Underne Avenue, London N14 7NE

Dear [REDACTED]

Thank you for your recent emails. My apologies for the slight delay in responding to your emails; however, I have been dealing with several appeals in regard to other cases in my remit; which take priority over all other cases as they involve the Secretary of State for the UK government.

I will endeavour to keep to the 3no bullet points requested in your first email.

- The following developments for the above site will not be enforced as part of the impending enforcement notice. The formation of a new hardstanding to the front of the above site. The erection of an outbuilding to the rear of the above site. Although, as part of the whole developments made to the above site; they are in technical breach of planning control, if they were enforced; it is highly likely they would be approved on appeal. This would open the door to a cost claim of excessive enforcement, which if upheld, would make the LPA liable to pay out thousands of pounds in costs. Even if the rest of the appeal is dismissed.
- The following developments will be enforced as part of the breaches outlined in the impending enforcement notice. The single storey rear extension. The raised patio and associated steps. The retaining wall built on top of the patio neighbouring no. 20 Underne. The issue of the raised levels in the garden.
- A delegated report that leads to an enforcement notice has already been drawn up and is currently being finalised after draft amendments. I am hoping to serve the enforcement notice by early next week. I will of course inform you and all other complainants when this notice is served. However, as you are aware, once the notice is appealed, this issue will then await the decision from the Secretary of State (the Independent Planning Inspectorate) which will take some lengthy time to come to fruition.

I hope this is clear to all who have received this email.

Kind Regards

[REDACTED]
Planning Compliance Enforcement Officer
London Borough of Barnet
2 Bristol Avenue, Colindale NW9 4EW
Tel: [REDACTED]
Barnet Online : <http://www.barnet.gov.uk>



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From: [REDACTED]
Sent: 25 September 2022 18:11
To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>; Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Subject: RE: 18 Underne Avenue
Importance: High

**** Warning External Email ****

Good afternoon once again [REDACTED],

Thank you for contacting me directly via my mobile on Friday 23rd. September 2022 at 10.15am and apologising for the time it has and is currently taking Barnet Council Planning Department to enforce the breaches in planning regulations by number 18 Underne Avenue.

You were very clear when you said, "I wholeheartedly agreed that all the breaches were unlawful", but further actionable steps were stopped by your manager Iain Sutherland-Thomas. You were also clear that his decision is final and although contrary to your own views, you were unable to take any action further unless specifically authorised by him. I recall you saying that Iain Sutherland-Thomas was "mitigating the risks associated with challenging Mr. Murat in court", or words to that affect.

I asked you over the phone to write to me summarising our conversation. I also asked you to request that Iain Sutherland-Thomas write directly to me, copying in all the residents, and fully justify how and why he came to those decisions. You said that you were uncertain as to whether he would.

On the point of taking photos of the current state of number 18 Underne Avenue, I said I would try to take some. I have attached two photos taken today (pic 1 and pic 2) but I want to express a personal degree of caution. Firstly, Murat has already vented his dissatisfaction and frustration about the delay in his unlawful construction works caused by local resident complaints. He threw a rotten bird onto my driveway but was caught red-handed (pic 3). Secondly, he texted my wife when we were updating the fence panels between the two gardens of 18 and 20 Underne Avenue and she felt very threatened and became very nervous in her own home (pic 4). On that note, I would like to request that Barnet Council return to the site and take official photos in accordance with Barnet Council SOP's. This will mitigate further exchanges with Murat and not stoke further tension between us.

In the meantime, I will ask once again for you to reply directly to my email dated 22 September 2022 (see below) and address the three bullet points. I would also like you to confirm how many enforcement notices since February 2020 have been issued to number 18 Underne up until the present day. Just to remind you, February 2020 was the time he began construction work in Underne Avenue by illegally dropping his own kerb and Barnet Council Highways were notified.

I will also draw you to the email from Iain Sutherland-Thomas dated 22 August 2022 (further below) where he states, "I thought the main areas of concern were covered". They have categorically not been addressed and it is very worrying that the most senior manager at the planning department appears unsure, dare I say a bit flaky.

I think we need to consider the bigger question – "Why is one manager allowing breaches in planning laws at the expense of local residents in Southgate?"

Based on current evidence, it seems very clear that Iain Sutherland-Thomas has and continues to preside over a litany of failures on:

- neglecting his duties as a senior Barnet Council manager to uphold the planning laws
- not managing the planning department in line with his position, whereby honest, correct and lawful action is taken on behalf of the public
- hiding away from his responsibilities to enforce planning breaches
- making poor decisions to the detriment of local residents
- showing a lack of care for a local community
- setting a precedent for Murat and more local builders to break planning laws
- showing a contempt for the local residents even though every effort has been made by them to evidence clear breaches in the planning laws

More to the point, as a paid public sector worker employed by to Barnet Council, Iain Sutherland-Thomas is not representing the public interests with integrity, resulting in mistrust and anger.

I look forward to receiving answers very soon. I hope 5 working days is not too much to ask.

Kind regards,

We would appreciate a full answer in 5 working days.

Reminder: It's only been 12 months so far since we notified Barnet Council about unlawful construction at 18 Underne Avenue.

Kind regards,

From: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Sent: 22 August 2022 11:22

To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Cc: [REDACTED]

[REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: Formal complaint about [REDACTED]

Dear [REDACTED]

Thank you for your email. My apologies if there were gaps in the last response, I thought the main areas of concern were covered.

[REDACTED] is currently on leave returning in a little over a week. On his return I shall discuss the c with him to find out the latest. In the meantime my understanding is that the owner had a plan to reduce some of the rear garden and terrace to prevent overlooking and that they would be looking to implement it soon. I do not know the exact nature of the proposal or what they have done so far but I can assure you that unless the scheme overcomes the current objections formal action will follow.

The only other outstanding issues not previously addressed that I recall were in relation to the hardstanding and drop kerb. The planning department has no jurisdiction over the public highway and so I have passed this concern onto colleagues who do. In terms of the hardstanding it would appear that it has been raised over the previous height with the greatest rise being at a point where the side alley and building line meet. Both [REDACTED] and I have assessed this change and are agreed that there is too little harm arising from this development to justify enforcement action.

Hopefully we will be in a position to reply more fully next week.

Regards,

[REDACTED]

From: [REDACTED]
Sent: 20 August 2022 14:57
To: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>; [REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Cc: [REDACTED]
[REDACTED]
[REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>
Subject: RE: Formal complaint about [REDACTED]

**** Warning External Email ****

Good afternoon Iain and James,

We are still waiting to hear from Barnet Council in regards to a formal complaint about [REDACTED] and the manner in which Barnet Council has managed the unlawful construction at no 18 Underne Avenue. I have attached documents to refresh your memories.

Can you reply to everyone cc'd into this email and advise us all on what Barnet Council are planning to do?

We look forward to hearing from you soon.

Kind regards,

[REDACTED]

Cc:

That is outrageous and we would never have arrived at this point if Barnet Council had done their job professionally and decisively. Instead, hiding behind meaningless enforcement notices and hoping this would all go away as a strategy has landed us all here. Well it is not acceptable to the local residents.

I cannot believe Barnet Council would even consider asking residents' to compromise, especially the adjacent houses to number 18. How many of you have knocked on either my door at number 20, Underne Avenue or [REDACTED]'s door at number 16, Underne Avenue, to physically see what the construction works have done to our gardens and to our neighbours' further along? Number 18 has drastically compromised the integrity of the views and the calm sense of space enjoyed prior to the constructions all along the back gardens.

Have you seen the state of the driveway at number 18? It's shambolic.

Have you gone back and clearly examined the enforcement notices issued to number 18 over the last months? Have you read the details and what Barnet were expecting him to do? And have you then followed up to find out if the neighbour has bothered to make those changes?

I'll answer for you – no.

He has continued to build and do whatever he thinks will benefit only him and his family. It's shameful and Barnet Council are guilty of being complicit in witnessing clear breaches in planning and building laws and doing nothing at all, at the expense of polite, law abiding citizens.

We do not want Barnet negotiating compromise for us since we feel we have reached a point where the only person gaining anything in a compromise is the very neighbour we brought to Barnet Councils attention in September 2021.

We want the new neighbour to re-adjust and take down as required, all construction works, to follow the planning and building regulations supposedly enforced by you and the teams you work with.

Kind regards,

action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this email in error.

From: Sutherland-Thomas, Iain <Iain.Sutherland-Thomas@Barnet.gov.uk>

Sent: 11 July 2022 18:42

To: [REDACTED] <[\[REDACTED\]@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)>

Subject: RE: Formal complaint about [REDACTED]

Dear [REDACTED]

I have been reviewing this case over the last few days and believe, given what is below, it is appropriate to bring you up to date with the latest thinking.

There are in effect four elements to this development: single storey rear extension, raised patio, garden levels and outbuilding.

Your neighbour appears to accept that they have exceeded permissions/development rights in respect of each but there is a difference of opinion on the extent and materiality of that breach/those breaches. The extension, patio and outbuilding speak for themselves but there is a clear line of difference between the two neighbours as regards levels. Your neighbour says that the garden has been raised but that the extra height is closer to 10 cm than the 90cm you suggest. As evidence they point to the fact that the two gardens are at a similar height by the side gate and that whereas your now steps down from this point theirs was always relatively flat before it stepped down at the end. What you say are blocks that have been used to build up the garden are as much, they imply, a requirement resulting from you digging down to make your garden flat (I notice you have a completely uniform AstroTurf lawn) as it is a requirement derived from the additional soil now being retained.

Notwithstanding the above your neighbour has suggested that there might be a solution to your overlooking concerns and has asked that they be allowed to put in a planning application seeking permission to retain the developments with suitable alterations, alterations that will likely include reducing the depth and possibly width of the patio and digging out the garden along your boundary.

I am a little sceptical that any proposal put forward in an application will resolve all of the problems but I do think that there is sufficient justification to allow them to explore the issue ahead of us taking formal action.

As to the outbuilding I am of the belief that its height is a little greater than that automatically permitted and one interpretation of the rules of 'permitted development' would regard this as exceeding the area limits laid out in the relevant Order. However, any breach is relatively minor and I can find no justification for its demolition. For that reason we have suggested that it may be completed without interference from the planning department.

If and when an application is made you will, of course, be permitted to comment in the usual manner. We will be expecting an application in 2-3 weeks. If it is not received by then the probability of formal action being taken by us is high.

Whilst we wait for an application I would suggest that it might be profitable for you to consider what evidence you have as to relative heights. I have seen photos you have taken of the gardens as they now are and a couple of your garden during redevelopment but a few more, especially some showing both gardens prior to current works would be very useful. If these are not available I would suggest that a statement from yourself that describes the prior relationship in as much detail as you can provide would be helpful. You might wish to consider the difference (if any) in height starting from the back of the houses and working toward the alley at the rear.

Regards,

Iain Sutherland
Planning Enforcement Manager
Development & Regulatory Services (DRS)



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www.re-ltd.co.uk



From: [REDACTED]

Sent: 11 July 2022 17:26

To: [REDACTED] [@barnet.co.uk](mailto:[REDACTED]@barnet.co.uk)

Cc: [REDACTED]
[REDACTED]
[REDACTED] [@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk); Rutter, Cllr Lisa

<Cllr.L.Rutter@barnet.gov.uk>

Subject: Formal complaint about Mr. [REDACTED]

Importance: High

**** Warning External Email ****

Good afternoon [REDACTED],

I have been advised to make a formal complaint directly to you in regards to [REDACTED], as I have been informed that you are his supervisor. He has presided over a chaotic administration in relation to unlawful construction works carried out at 18 Underne Avenue, Southgate N14 7NE. I have also written to the Civic Mayor Allison Moore to ask for support in upholding planning laws that have clearly been breached onsite at 18 Underne Avenue. Please see below my email to the Mayor this morning. She has already replied and confirmed that the complaint has been referred to the Borough Solicitor and the Chief Executive for proper investigation

What I hope is very clear [REDACTED] is that as local residents we will not stop ensuring the community recognises fairness and a willingness to abide by the laws. I do not take any pleasure or satisfaction from writing and receiving emails associated with the planning and building breaches associated with number 18 Underne Avenue. They require time, effort and my attention that I would prefer to use for more productive ends. However, since the outset of the new neighbour arriving at 18 Underne Avenue (and with whom we welcomed in a friendly manner over drinks), Barnet Council has been woeful in managing multiple unlawful construction works, evidenced by multiple enforcement notices with no tangible resolutions. This has and is causing constant stress and anxiety that could easily have been remedied had Barnet Council acted swiftly and decisively. Furthermore, it now appears today that number 18 has received permission to continue to build the "unlawful" outhouse to completion. This construction

amounts to another extension of the main dwelling and will undoubtedly be used as a dwelling/bedroom for family to effectively sleep there overnight. In essence a bedroom - an additional breach in planning laws. This explains why number 18 has raised the garden levels so much and over the permitted 30cm (see attachment), allowing the raised levels to accommodate buried utility pipes for a shower, toilet and mains electricity.

My question to you and Barnet is this? What does it take for Barnet Council to step up and enforce the planning rules?

Please acknowledge this email as a formal complaint about the ineptitude, procrastination, incompetence and chaotic administration presided over by Barnet Council and [REDACTED].

Good morning Mayor,

I am writing to ask for your valuable support to help uphold planning laws that have been clearly breached onsite at no 18 Underne Avenue, Southgate N14 7NE.

I have been writing to Barnet Council since November 2021 and today we have found out that large construction works will be allowed to carry on, despite Barnet Councillor Enforcement Officer [REDACTED] and his team stating otherwise in countless emails over several months. Team email addresses: [REDACTED] [@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk); [REDACTED] [@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk); [REDACTED] [@Barnet.gov.uk](mailto:[REDACTED]@Barnet.gov.uk)

The resident at number 18 Underne Avenue has breached so many planning regulations (clearly stated in emails from Barnet Council), yet he has been allowed to continue without any meaningful consequences or outcomes. Barnet Council has issued multiple enforcement notices but these have served no purpose whatsoever. The result is stress, anxiety, a reduction in quality of life and privacy for local residents, especially the two adjacent neighbours at 16 and 20 Underne Avenue respectively.

I would like to formally complain about the manner in which Barnet Council have managed and dealt with this case. It has been indecisive, contradictory and flawed from the outset and as far as local residents are concerned, there is still no satisfactory resolution. Indeed, it appears as though all the time and effort to mitigate illegal breaches in planning laws and regulations have been pointless and a waste of time.

As Barnet Mayor, the local residents and I would like you to appoint a third party to thoroughly carry out the following:

- Investigate how these breaches have been allowed to be ignored by Barnet Council.
- Confirm that no bribery, underhand activity or coercion has taken place to allow illegal construction works to continue.
- Hold accountable the woeful administrative efforts of Barnet Council to enforce the rules.
- Uphold the law and support your local community by compelling the resident at number 18 to remove and put right all illegal construction works.
- Request that no 18 formally apologises to local residents for all the breaches in planning regulations that have occurred.

I hope you provide dynamic, pragmatic and honest support and counter the wavering feelings I have for public officials at the moment. As local residents, we expected much more robust support from Barnet Council to uphold the law. We are not in a position to hire professional legal services to counter the existing building works, but we should not have to. However, it's interesting how the resident at number 18 did. This was further acknowledged by Barnet Councillor [REDACTED] who stated in his last email:

"The owner of the above site has retained the strongest and most knowledgeable planning agent in London to deal with the unlawful developments made to the above site".

This statement poses a dilemma for everyone. Is the councillor admitting that planning laws only need to be followed until one side opens their wallet and hires someone with connections who manipulates and works around the premise of – "the truth is what I say it is!". It certainly feels that way. We are hopeful that you think otherwise.

We would like you to act robustly, honestly and decisively and put an end to what has become a perfect example of local council ineptitude, procrastination, incompetence and chaotic administration.

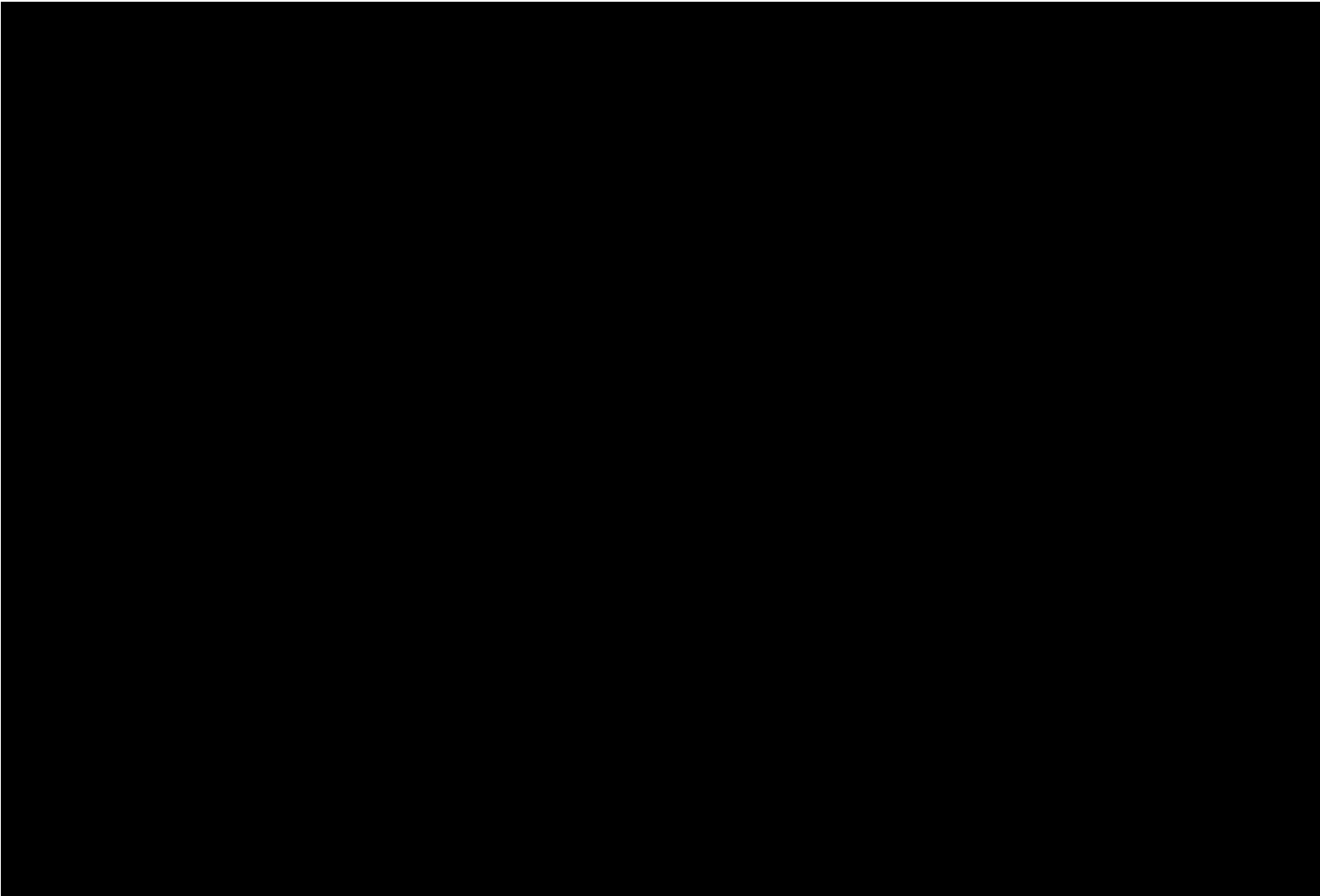
Please help us to stop further building works and reverse the current status of the on-going constructions at number 18 Underne Avenue. Your decisions will have a big impact on many local residents.

I look forward to hearing from you very soon.

Ian Sutton

I look forward to hearing from you soon.

Kind regards,



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