

London Borough of Barnet
2 Bristol Avenue,
Colindale NW9 4EW
18 May 2022
Our ref: 8235698

Thank you for your request received on 19 April 2022, for the following information:

Please release to me all of the documents in the councils possession in relation to garden flat, [previous and current address redacted NW11 7], including planning consents, details of any planning enforcement action taken, changes in property street naming and numbering, details of Building Control consents and any other housing matters

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exceptions detailed below apply to some/all of this information and this is withheld. Please see the Refusal Notice below.

Please release to me all of the documents in the councils possession in relation to garden flat, [previous and current address redacted NW11 7], including planning consents, details of any planning enforcement action taken, changes in property street naming and numbering, details of Building Control consents and any other housing matters.

Planning consents

All planning consents granted on the property addresses provided by the Local Planning Authority can be located here on the public planning register
[Find and comment on planning applications | Barnet Council](#)

- Erection of greenhouse and fence approved **ref: CO1284A** on 27 December 1967.
- An application for a certificate of lawfulness **ref: C01284K/01** for the use of the garden flat as a self-contained residential unit was registered on 24 August 2001 and found to be lawful on 19 October 2001.
- A certificate of lawfulness **ref: C01284P/07** was registered on 27 June 2007 for New windows to the front and conversion of existing garage into habitable room was approved on 22 August 2007.

Details of applicant, proposed drawings submitted and communications for each application will all be held on the planning file, where these are not available online.

Historic Planning Applications for applications decided before 1 January 2006 can be requested by emailing planning.enquiry@barnet.gov.uk, quoting the planning reference numbers of interest

There will be a small charge for this service

Per CD or USB file: Each £38.25:

Either of the above: Each £18.75:

File retrieval from archive: Each: VAT not applicable: £19 (for residents only for applications decided before 1 January 2006)

Street Naming and Numbering

All changes to addresses must undertake the Street Naming and Numbering process and are now done in accordance with our Numbering of Building Conventions that are available on our website here [Street naming and numbering | Barnet Council](#).

In 2007, the Street Naming and Numbering team received an application to officially address the 'conversion of garden dwelling unit adjacent to the property into a self-contained property (flat)' and the new official address was approved.

Building Control consents

I have checked our Building Control records [Simple Search \(barnet.gov.uk\)](#) and we have not received any applications for either address.

Housing

Private Sector Housing has not taken any enforcement action in this case. An officer has visited with a contractor and works were either carried out or arranged to be done **ref: RP/22/02090**.

The Council's Regulatory Enforcement policy can be found here: [Enforcement policy \(revised HAG February 2022\) ODT | Barnet Council](#)

Please confirm this original property type and its original intended use

Please confirm its current property type and intended use and the date of any such change

Please confirm whether there were any other changes between the original and the current use

Please confirm who made the applications for each of the intended uses and property types

Please state the date that Barnet council, the local planning authority had approved for a granny annex to be called a garden flat and then had the name changed [Personal data redacted] and please state what date you approve these changes

And please also confirm all of the changes that you approved

Please state the date and relevant contact at Barnet Council who approved the leasees application for a certificate of lawfulness with regards to the alterations and modifications to the property

Please release to me all of the accompanying documents and assessments made into

a) the type of property

b) the restrictions on the property

c) information obtained directly from the freeholder

d) The approval the council gave to change the address from Garden flat to current address [Address redacted NW11 7]

For all of the above questions, I refer you to the previous answer given, all information, where held on planning file.

Please can you state how are you allowed an address to be changed when an annex must always form part of the original property as it is incidental to the property itself and on that basis please further state how the planning officer is involved gave consent to treat the property as a self contained private dwelling

I refer you to the previous answer given, street naming and numbering guidance.

What was the date that planning permission was the first sent to you for the erection of the Annex

What was the date that planning permission was first sent to you to allow a bathroom bedroom and kitchen to be installed within it

Please provide me with all relevant consents issued both to

a) the freeholder and

b) the leaseholder.

For all of the above questions, I refer you to the previous answer given, all information, where held on planning file.

When it was complained about by [Personal data removed] that works being carried out at [address redacted NW11 7] without planning permission when you first began to investigate following that the application was then withdrawn particularly the application with regards to creating parking spaces at the front of [Address redacted NW11 7].

There is an open Planning Enforcement complaint ref: ENF/0459/22. See Refusal Notice below.

Can you therefore please advise what monitoring and assessments were conducted and working can you ring to be conducted given that you were already aware that the freeholder of [Address redacted NW11 7] was not acting in accordance with the law?

For all of the above questions, I refer you to the previous answer given, all information, where held on planning file.

What actions did the council take when the boundary fence for the front garden (of what is currently known as [Address redacted NW11 7] was removed?

Information not held.

Given that the council were already aware that the freeholder of [Address redacted] was not acting within any consenting basis, who was responsible within LBB and allowed the address to be changed without any involvement of the freeholder [personal data redacted]

I refer you to the previous answer given, Street Numbering and Naming team.

With regards to Fabien Gaudin please advise all dates that he came to do a site visit what he found on his site visit

10th July 2007

For all of the above questions, I refer you to the previous answer given, all information, where held on planning file.

Please state the purpose of planning laws are even when people are found to have infringed the planning process and done things as they wish rather than in accordance with process and what is supposed to happen

The National Planning Policy Framework and relevant planning practice guidance. www.gov.uk/government/collections/planning-practice-guidance contains a section on planning enforcement.

The law says that the Council can only formally enforce when it is 'expedient' to do so. It is a matter for Parliament to determine if this law needs changing.

[Personal data redacted] So please further state what is your enforcement action policy

The Housing and Growth Committee held on Thursday 17th February, 2022 7.00 pm approved the revised enforcement policy, a direct link to which can be found here: [Enforcement policy \(revised HAG February 2022\) ODT | Barnet Council](#)

Refusal Notice

R6(1)(b) – Material already published

Under Regulation 6(1)(b) of EIR, we are not required to provide information in response to a request if it is already reasonably accessible to you by other means.

The information relevant to your request is published online at the following link:

See links provided above

R13 – Personal data

We have also redacted the names of individuals by virtue of Regulation 13 of the Environmental Information regulations 2004, as disclosure of this information to the

public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a request.

We consider that regulation 13 (Personal information) applies to the information requested.

Therefore, we have decided to withhold the information.

R12(5)(b) The course of justice, fair trial or inquiry of a criminal or disciplinary nature

The information requested forms part of an enforcement case as it concerns matters of enforcement and investigations into an alleged breach. Disclosure could prejudice the way the London Borough of Barnet conducts investigations and any other matter it has a duty to investigate. In this case the withheld information relates to an open planning enforcement case.

This is a qualified exception under the EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exception. The public interest means what is in the best interests of the public, not what is of interest to the public.

We have considered the public interest the disclosure of this information. These factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The disclosure of information in relation to enforcement and investigations, would compromise proceedings. In these circumstances of the case it is our view that the public interest in maintaining the exception outweighs the public interest in disclosing the information. Therefore we have decided to withhold the information.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.