

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
15 June 2022
Our ref: 8295532

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

I am making a request under the Freedom of Information Act 2000 concerning planning enforcement notices.

In the delegated report for planning application Reference 21/2195/HSE | Single storey rear extension | 80 Galsworthy Road London NW2 2SH, Barnet Council refer to application F/02116/14 | Part single part two storey side/rear extension following demolition of existing rear extension. | 2 Horton Avenue, London, NW2 2SA.

The delegated report for 21/2195/HSE states the following.

'2 Horton Avenue was also brought to the attention of the case officer by the applicant as a possible precedent for similar developments being acceptable. However, planning permission was only granted in 2014 to a rear extension with a depth of 3 metres (ref F/02116/14) similar to what is currently at 80 Galsworthy Road. The additional single storey section beyond this is unauthorised and is currently under investigation by the planning enforcement team. Therefore it cannot form part of the character of the area if it were to be considered within the wider locality'.

Can you tell me the following information regarding the 'unauthorised' development and 'investigation by the planning enforcement team' concerning application Ref F/02116/14:

1. What has been the outcome of the investigation by the planning enforcement team?

**2. Is the additional single storey section unauthorised?
If not, why not?**

**If the investigation has found that the development is unauthorised, has an enforcement notice been served to the property owner?
If not, why not?**

If a enforcement notice has been served, why is the enforcement notice not available on Barnet Planning Website?

3. If no investigation has been carried out by the enforcement team, why has it not been done as Barnet Council clearly state the development is 'currently under investigation by the planning enforcement team'?

4. If there has been no investigation, are there plans to do one? When?

I also have information requests for the following enforcement notice:
ENF/0718/21 | Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension. | 50 Galsworthy Road London NW2 2SH

5. Can you give me further information / documents you have concerning this enforcement letter.

6. Can you give further information and/or copy of the appeal Reference 22/00045/ENF | Appeal against "Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension." | 50 Galsworthy Road London NW2 2SH

7. Can I have any information Barnet council is providing against the appeal of this enforcement notice.

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.

Can you tell me the following information regarding the 'unauthorised' development and 'investigation by the planning enforcement team' concerning application Ref F/02116/14:

1. What has been the outcome of the investigation by the planning enforcement team?

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

***2. Is the additional single storey section unauthorised?
If not, why not?***

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

***If the investigation has found that the development is unauthorised, has an enforcement notice been served to the property owner?
If not, why not?***

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

If a enforcement notice has been served, why is the enforcement notice not available on Barnet Planning Website?

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

3. If no investigation has been carried out by the enforcement team, why has it not been done as Barnet Council clearly state the development is 'currently under investigation by the planning enforcement team'?

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

4. If there has been no investigation, are there plans to do one? When?

This property is the subject of a live planning enforcement investigation, see Refusal Notice below.

**I also have information requests for the following enforcement notice:
ENF/0718/21 | Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension. | 50 Galsworthy Road London NW2 2SH**

5. Can you give me further information / documents you have concerning this enforcement letter.

A complaint was received on 16 June 2021

The Council's Planning Enforcement team investigated and determined that the works were unauthorised.

An Enforcement Notice reference ENF/0718/21 was served 16th December 2021

As this is a live investigation, and the planning enforcement appeal currently under consideration with the Planning Inspectorate has not been determined we are unable to provide you information held

See Refusal Notice below

6. Can you give further information and/or copy of the appeal Reference 22/00045/ENF | Appeal against "Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension." | 50 Galsworthy Road London NW2 2SH

22/00045/ENF is an alternative (appeal) reference for the case above

7. Can I have any information Barnet council is providing against the appeal of this enforcement notice.

Please see attachments

Refusal Notice

R12 (5) (b) (The course of justice)

We consider that regulation 12 (5) (b) (The course of justice) applies to the information requested because we consider that disclosure of the information requested would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature. Until the outcome of the enforcement investigation has been formally determined the Council is not in a position to make available further details of the case available.

The public interest means what is in the best interests of the public not what is of interest to the public.

Factors in favour of disclosure

- Furthering the understanding and participation in the public debate of issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety.

Factors in favour of withholding

- There is a very strong public interest in protecting the law enforcement capabilities of public authorities.
- The enforcement investigation is ongoing and progress is reported through established mechanisms. If a formal Notice is served or any prosecution action taken only when these processes have been fully completed and appeal routes exhausted will this information will be made available into the public domain.
- Any information provided by third parties during the course of such investigations should be treated in confidence and only used for the purposes for which it was provided. We believe that people would be discouraged from providing information if they thought their information might be released publicly without a compelling reason to do so. It is therefore important that this information remains confidential.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We consider that regulation 13 (Personal information) applies to the information requested. Therefore, we have decided to withhold the information.

Refusal Notice

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection legislation and is defined as any information relating to an identified or identifiable natural person ('data subject'). It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

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.