



RTPI

mediation of space · making of place

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Dear Ms Peart

TEMPORARY STOP NOTICE
A Consultation Package – November 2004

The RTPI welcomes the opportunity to comment on the consultation paper. We have consulted our regional Branches in England, as a result of which I can offer the following comments –

1. The RTPI welcomes the introduction of a Temporary Stop Notice that will have immediate effect when served. This will provide a key breathing space during which time local planning authorities can form a more considered and evidence based opinion on how best to proceed where there has been a breach of planning control.
2. *Paragraph 13:* The Temporary Stop Notice does not give the power to prohibit the stationing of a caravan on a site, or the intensification of the said site, unless a Temporary Stop Notice has already been served (and for a notice to have been served, the impact must be considered as extreme). We are concerned that this has not been made clear. The Temporary Stop Notice has been publicised as a measure that local planning authorities (LPAs) can use to prevent the unauthorised development of gypsy and traveller sites. Clarification of the purpose is needed to ensure that LPAs are not placed under increased pressure to take inappropriate enforcement action.

3. This potential confusion over what action can be taken on unauthorised sites further raises the necessity for LPAs to provide adequate site provision in their Local Development Frameworks and avoid conflict over unauthorised encampments.
4. *Paragraph 18* makes clear that failure to comply with a Temporary Stop Notice can lead to an immediate prosecution in the Magistrates Court. The maximum fine is £20,000 on summary conviction, or unlimited on indictment. This is fine in theory, but people who are not too concerned about appearances before the magistrates, and who may not even bother to attend court, are probably unlikely to comply with the Notice. The LPA is then left with the traditional enforcement notice/injunction procedures.
5. *Paragraph 26* stresses the importance of planning enforcement having the same “emergency cover” as other environmental and public health protection services. The Institute sees the benefits of this proposal, and agrees with the principle; however, we are concerned about the practicalities, particularly with regard to the resource implications. Whether the average LPA will have the resources to provide this level of cover is questionable.
6. *Paragraph 30*: The benefits of the Temporary Stop Notice lie in the LPA’s ability to act quickly. It is important that LPAs are encouraged to delegate powers to nominated officers. Vesting the power to serve a Temporary Stop Notice in a committee will inhibit the speed in which the Notice could be served.
7. Overall, the RTPi believes that the introduction of a Temporary Stop Notice is a positive action that will give LPAs the power to take immediate action where there has been a breach of planning control. We have, however, real concerns that, in practice, they rely on prosecution action to ensure compliance. Our experience, over many years, is that such action is unlikely to be speedy or effective in stopping determined, well-advised lawbreakers. It was because of these recognised problems with enforcement prosecutions that the Carnwath report recommended the planning injunction that was introduced in the 1990 Act.
8. To coincide with introduction of the Temporary Stop Notice, it would be helpful if some good practice illustrations were provided to show the benefits of this planning tool and how it is likely to be most effective.

If any of the Institutes comments require clarification or elaboration, please do not hesitate to contact me.

Yours sincerely,

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