

The importance of planning enforcement

The lessons from Mast Quay by Amardip Healy

Imagine living next to a site where someone is illegally burning tyres, watching vacant land near your child's school turn into a fly-tipping hotspot full of hazardous material or living in housing which fails to meet minimum safety standards. Planning enforcement is not about aesthetics or bureaucracy, it's about protecting people's lives.

At Mast Quay Phase II by the Royal Borough of Greenwich (RBG), enforcement was based on clear and precise allegations, identifying multiple material deviations from the approved scheme. The Planning



Inspectorate's appeal process led to negotiations and agreements between the appellant and RBG, resulting in revised enforcement measures.

The appellant must now comply with conditions imposed by the Inspector including:

- Fire safety upgrades such as installation of fire lifts, automatic smoke vents, and fire-resistant materials.
- Improved accessibility, ensuring wheelchair access and inclusive design.
- Public realm enhancements, such as landscaping

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and biodiversity net gains.

- Compliance with Section 106 obligations, including financial contributions for affordable housing and infrastructure.

RBG must actively monitor and enforce these conditions, ensuring that all remedial works are completed within the specified timelines. There is a significant amount of work ahead for both sides.

However, the Mast Quay case has sparked debate around how planning enforcement needs to function. The case raises three wider questions for developers and planning authorities:

1. Should councils act when enforcement may lead to the loss of housing?
2. Why did the council not intervene sooner?
3. Is the planning system under-resourced, allowing developers to get away with breaches?

Balancing enforcement with loss of housing

Some have argued that the priority in cases like Mast Quay should be preventing the loss of badly needed housing. However, the real question is whether demand for homes should come at the expense of safe, compliant housing. Weak enforcement only encourages further breaches, ultimately compromising public safety and trust in the planning system. If councils show a willingness to compromise on safety standards for new housing stock, it may give a greenlight for future schemes seek to skirt minimal standards in construction and apply cheaper retrospective fixes. Councils need to balance pragmatism in supporting new housing, while maintaining penalties to ensure that cutting corners does not pay in new developments.

Originally, the 'Decent Homes Standard' was introduced to address the poor state of council housing stock. The programme demonstrated that

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regulation was a 'vital security blanket'. If the developers fail, the public rightly expects regulators to step in and up. However, the regulators need a system where is not so easy to fail, and if there is failure, then the powers and resources to act quickly.

Intervening earlier in non-compliant schemes

It is important for the sector, Councils and Developers to reflect on the lessons from the appeal decision. Policymakers may need to consider how best to adapt and improve enforcement and planning processes, including ensuring compliance checks are not delayed, identifying issues earlier when they can be less costly to address.

Equally, providing more explicit guidance on how to handle retrospective planning applications, while maintaining the planning system's integrity, could help to rectify issues before they reach a Mast Quay stage.

There is a also case for strengthening conditions attached to planning permissions and ensuring enforceable timelines for rectification or compliance actions. Perhaps requiring additional community contributions or financial penalties when permissions are granted retrospectively. Doubling the application fee could be a start. The new Planning and Infrastructure Bill could provide the opportunities for achieving this. These are all steps which could make developers more deeply consider the consequences of breaches.

Managing resources in the planning system

The Mast Quay case raises the question of how planning enforcement moves forward within a challenging economic backdrop. Enforcement is a costly process. The total public inquiry costs were clearly substantial. With growing responsibilities, local planning authorities are advocating for better funding and resources but are subject to the financial pressures impacting local government across the

country. The sector needs to find ways of being innovative and managing a greater workload. They were the first to lead the way with aerial surveys, they have used heat mapping to identify 'sheds with beds'. The use of advanced AI could be a game changer in terms of monitoring and enforcement capabilities, helping to deliver efficient planning enforcement. Again the Planning and Infrastructure Bill could be the used as the funding tool to help the public sector to deliver innovation.

Public policy requires planning enforcement to play a crucial role in maintaining the integrity of urban development and ensuring compliance with regulations. If enforcement is to remain a vital pillar of planning policy, it must evolve. The sector must learn from Mast Quay and push for a system that ensures compliance, accountability, and ultimately, safer communities.

What's next?

Many will feel the decision serves as a deterrent against unauthorised development and encourages adherence to policies that prioritise public safety. Whether this proves to be the case will very much depend on RBG's ability to manage and monitor compliance. It will require the developer to take responsibility, and to do what they say they would, rather than finding arguments not to.

Post decision, it must have crossed the developer's mind that it would be easier to build the approved scheme rather than gamble. There is a lot of work ahead for both parties. How successful compliance will be will very much depend on resources on both sides.

If the system fails, it affects us all. The sector has a responsibility, and we should all be part of the solution. ■

IMAGES: Mast Quay as built – Comer Homes