



City of Westminster

Planning Enforcement in Westminster

Overview and Key Challenges



**KEEP CALM
AND
DEAL WITH YOUR
ENFORCEMENT
NOTICE**

Roald Piper – Planning Enforcement Team Leader – 29 June 2026

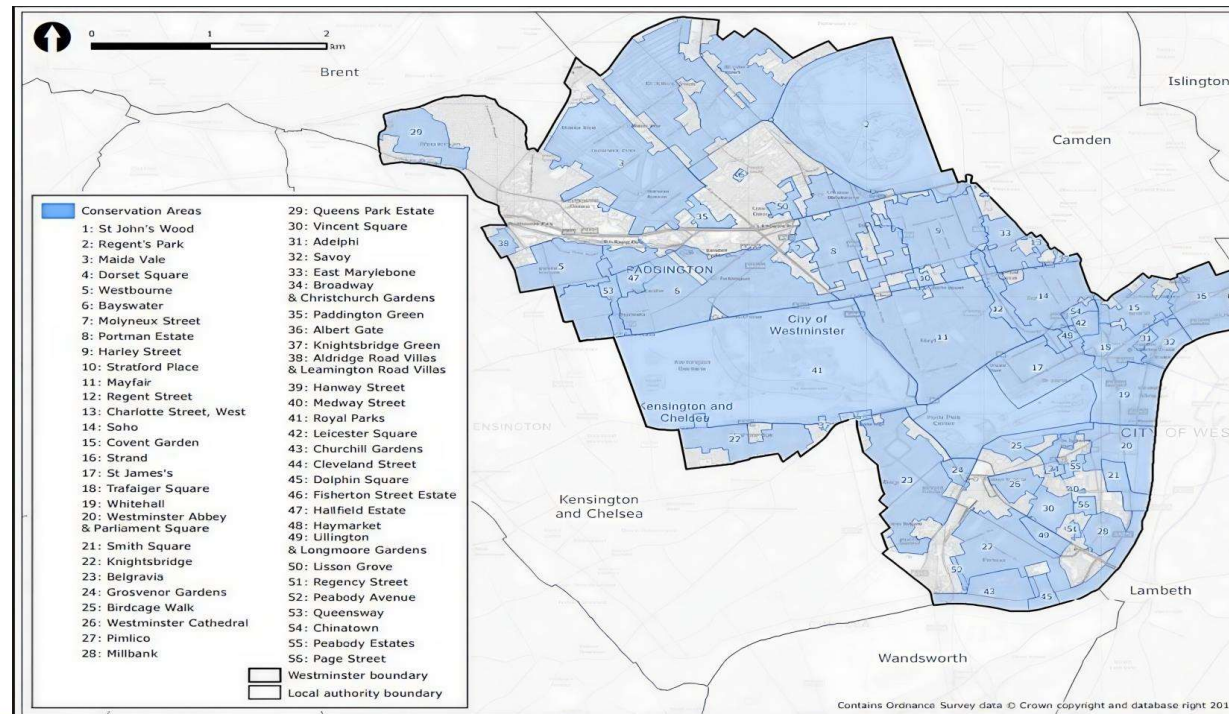
Introduction: Westminster Context

Highly sensitive historic environment

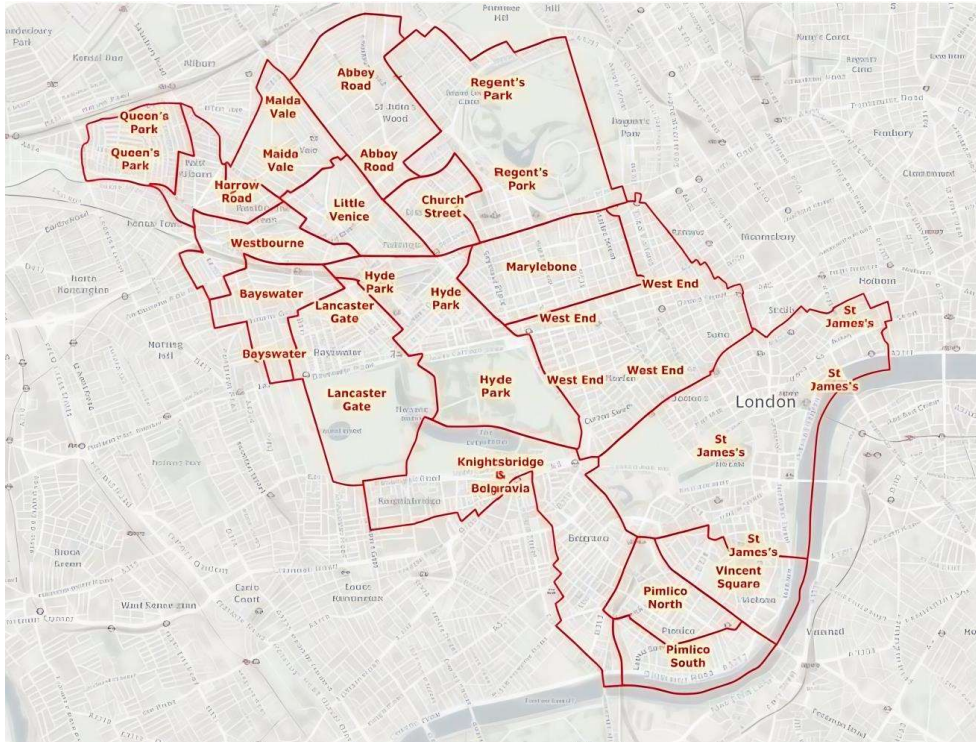
11, 000 Listed Buildings

56 Conservation Areas (+/- 80% of the borough)

High development pressures



Planning Enforcement Team at Westminster City Council



- 22 Staff in Team.
- 2500 - 2800 complaints received & investigated each year.
- +/- 180 PCN's served annually.
- +/- 120 - 150 Enforcement Notices issued annually.
- Above 80% Appeal Success Rate.
 - Prosecutions.
 - Proceeds of Crime Act.

Planning Enforcement is Discretionary

Paragraph 60 of the NPPF pertains to planning enforcement and states as follows:

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate."

WCC adopted LEP in March 2025

'Discretionary' - This means that there is no statutory requirement to take enforcement action in relation to a breach of planning control. For each breach of planning control investigated, the council must decide what action is most appropriate, and whether such action is proportionate.

'Maladministration' - Refusing to act when a breach causes severe harm, or failing to properly investigate and document why action is not "expedient," can amount to Maladministration.

"Expediency" in Planning Enforcement

When determining whether to pursue action against a planning breach, the council must assess the nature of the breach, and the impact of the breach on public amenity, visual amenity, environmental quality and the built & historic environment. This assessment will include determining whether the development complies with national planning policies, the London Plan and the Westminster City Plan, as well as other material considerations.

Reasons for not taking further or formal action might include:

1. There is no harm or insufficient harm caused by the development.
2. The benefits of the development outweigh the harm caused.
3. Planning permission would likely be granted if an application was submitted.

Consistency, Fairness & Transparency:

It is important that decisions made by the council are transparent and consistent across Westminster and that the approach taken is fair. It means that action taken on a similar issue will generally be considered as part of the assessment.

Retrospective Applications

Although frustrating, Central Government has made it clear that development undertaken without the relevant planning permission should not constitute an "offence" and that retrospective applications may be submitted to regularise the works.

It is also important to note that when determining retrospective applications, LPA's must ensure that the same process of ensuring a robust, defensible and consistent decision is made.

The fact that unauthorised works have taken place is not a material consideration in determining the application nor a reason to refuse planning permission.

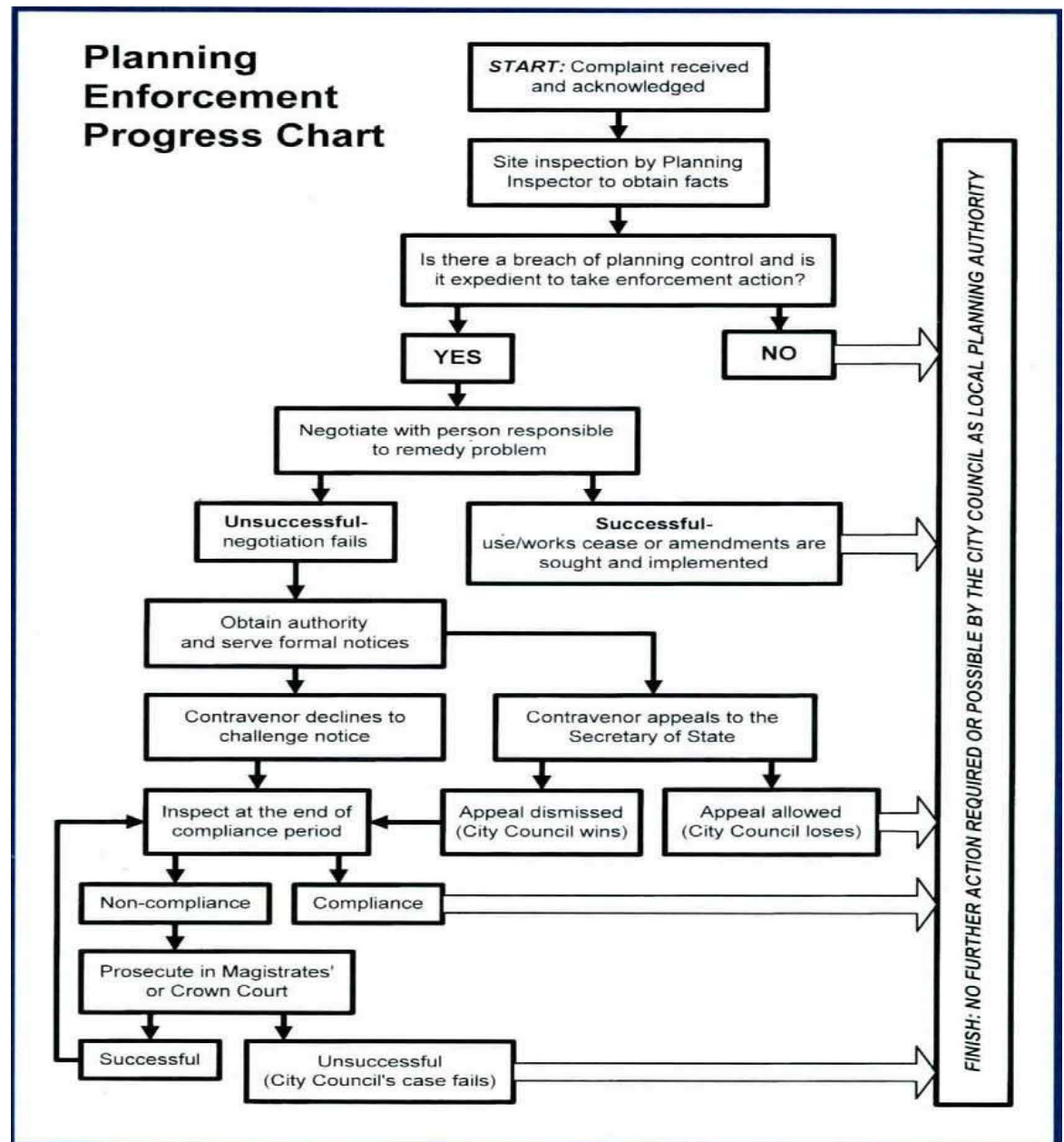
The submission of a retrospective application for planning permission does not preclude formal enforcement action from being pursued.

New Enforcement provision "Enforcement Warning Notice"

A person who has undertaken unauthorised development only has one opportunity to obtain planning permission after the event.

The local planning authority can decline to determine a retrospective planning application if an enforcement notice has previously been issued (section 70C of the Town and Country Planning Act 1990).

Typical Planning Enforcement Progress Chart



Case Example: Carlton Tavern Public House



Case Example: Carlton Tavern Public House Demolition



Case Example: Carlton Tavern Public House

8 April 2015 – Carlton Tavern Public House unlawfully demolished.

18 June 2015 – Planning Committee resolved to issue an Enforcement Notice requiring the Public House to be rebuilt to match in facsimile the building as it stood prior to demolition.

8 July 2015 – Injunction obtained in the High Court requiring the flank wall to be retained and supported and that all debris be retained on site in order that it could be carefully looked at to determine what could be salvaged and re-used in the rebuild.

July 2015 - Appeal submitted against issue of the Enforcement Notice.

May 2016 – Appeal heard by way of Public Inquiry which lasted 5 full days. The Public Inquiry took place over 10 months after the appeal was submitted.

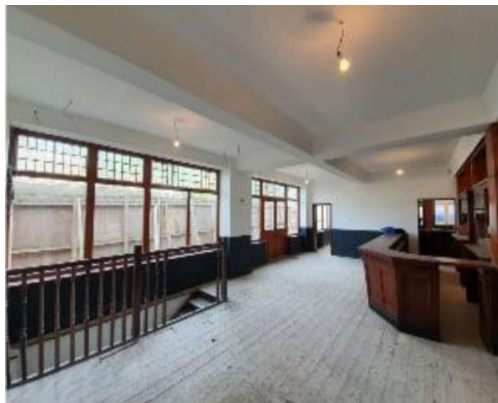
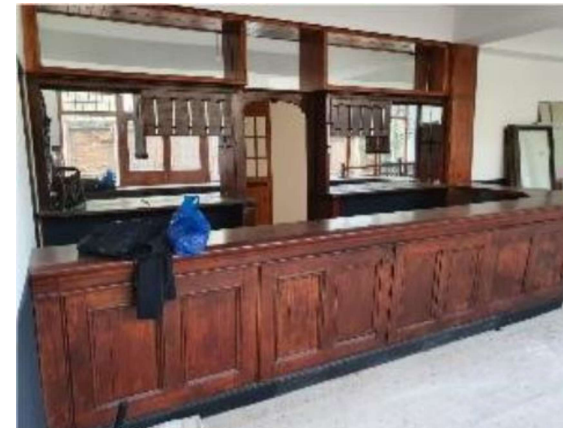
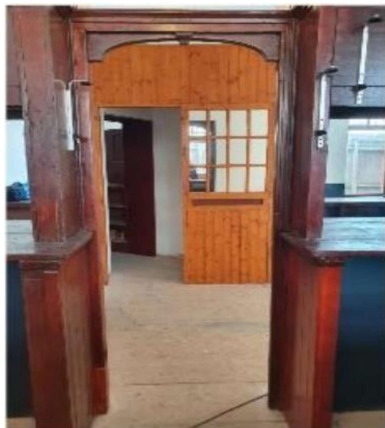
8 July 2016 – Planning Inspector appointed to determine the appeal finds in the Council's favour and upholds the requirements of the Enforcement Notice that the public house be re-built in facsimile. However, the Inspector was minded to increase the compliance period from 18 months to 24 months.

2021 – Reopens to the public.

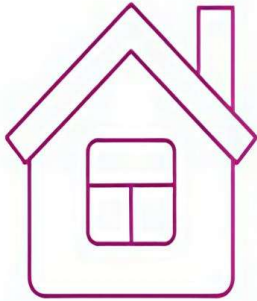
Case Example: Carlton Tavern Public House



Case Example: Carlton Tavern Public House



Planning Enforcement Priorities



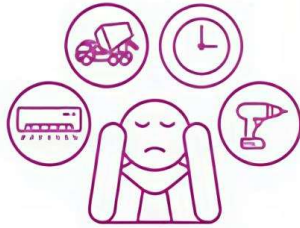
Protecting permanent residential accommodation

in order to safeguard homes for Westminster's communities. For example through taking action against

- the permanent use of homes for short-term letting
- the creation of poor quality residential accommodation



Planning Enforcement Priorities



Protecting residential amenity

in order to protect and improve the quality of life of Westminster's residents and communities. For example through taking action against

- unauthorised uses
- unauthorised plant equipment
- breaches of planning conditions relating to noise mitigation, privacy protection, and construction and operational hours



Planning Enforcement Priorities



Conserving and protecting heritage assets

in order to safeguard Westminster's unique heritage and historic environment. For example through taking action against

- unauthorised alterations to listed buildings
- unacceptable building works within conservation areas
- buildings or land in a poor condition



Planning Enforcement Priorities



Protecting the environment from harm

in order to protect biodiversity, improve Westminster's environment, and meet sustainability and climate objectives For example through taking action against

- the unauthorised removal of or works to protected trees
- breaches of planning conditions relating to biodiversity, sustainability and waste management



Breaches of planning control in Westminster are prioritised as follows:

Significant Level of Harm:

Demolition & alterations to listed buildings

Unauthorised short-term letting

Development resulting in harm to amenity

Development causing environmental harm

Breaches of planning conditions that detrimentally impact residential amenity or environmental quality

Advertisements causing a danger to public safety or causing harm to a listed building

Untidy land and buildings where harm to amenity is significant

Medium Level of Harm

Works that visually harm the character or appearance of a CA or the setting of a listed building

Changes of use that negatively affect the character or function of the CAZ, local town centre or high street

Advertisements that visually harm the character or appearance of a CA or the setting of a listed building

Breaches of conditions that do not impact residential amenity or environmental quality

Other works to protected trees

Untidy land and buildings where there is no immediate risk and less than severe harm to amenity

Prioritisation of Enforcement Investigations

Breaches of planning control in Westminster are prioritised as follows:

Low Level of Harm:

Other advertisements

Works that do not affect the character or appearance of a CA or the setting of a listed building

Minor alterations except where alterations are to listed buildings / structures or there is cumulative harm

Pavement uses that have limited amenity impact on communities

Reporting a Breach of Planning Control

We value the information we receive from Civic and Amenity Societies concerning potential breaches of planning control not least due to your lived experience, wealth of local knowledge and that you are invested in the neighbourhoods you live in.

When reporting a potential breach, please include as much information as possible:

Your name and contact details (which will remain confidential)

Precise address of where the breach is taking place. (If it relates to an A/C unit for example – where is the A/C unit located on the property)

The nature of the alleged breach

When the alleged breach commenced

Details of the how the breach is impacting / affecting you

Details of the owners or person/s responsible for the works if known

Photographs is possible

We need to work together to effectively expedite resolution of breaches of planning control . Tackling unauthorised short-term letting for example, often requires collaborative working to obtain the prima facie evidence to demonstrate a breach of planning control. (i.e. that the 90-night limit has been exceeded for the calendar year).

QUESTIONS?

