



Department for Communities and Local Government

Dr Jan Sofair
Chair, Council for the Protection of Nash
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Our Ref: ER/72/028479/12

30 October 2012

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Dear Dr Sofair,

Thank you for your e-mails of 3 and 25 October, and accompanying petition, to the Rt Hon Eric Pickles MP regarding your and other residents' concerns about your local authority's planning decisions in respect of your conservation area. The Secretary of State is grateful for your correspondence and I have been asked to reply on his behalf.

I understand that you are disappointed with your authority's decisions on this matter. However, I am afraid that the Department cannot comment on, or intervene in, individual planning matters due to the Secretary of State's role in the appeals process. I can only respond therefore in general terms.

Parliament has given local authorities responsibility for day to day planning control. They are required by law to determine all planning applications in accordance with the local plan unless material considerations indicate otherwise. Where material considerations are raised by local residents these should be taken into account.

It is for local planning authorities to decide what, if any, enforcement action is necessary in a particular case. The need to make an article 4 direction to remove permitted development rights locally is also a matter for individual authorities.

Local authorities are accountable for their actions to their electorate and must act within their statutory powers. Where a person believes a local authority has not acted properly then their recourse is through the authority's formal complaints procedure and, if necessary, then through the Local Government Ombudsman process.

I appreciate that you have already been through these processes and remain dissatisfied. It may be possible for you and the other concerned residents to challenge the local authority's decisions in the Courts. You would, however, need to seek your own legal advice on this matter.

Yours sincerely,

Theresa Donohue