

Case Study**(Greater London Borough)**

How a wheelchair bound, elderly male of Indian ethnicity, who needed permanent personal care assistance at home was allegedly unlawfully issued a Planning Enforcement Notice requiring the critical development that the gentleman NEEDED (for his care provision) to be demolished, where contrary to law no Equalities Monitoring was undertaken.

The relatively young, Caucasian, female, senior planning officer (who didn't appear to share any 'protected' characteristics) attended at the elderly, disabled gentleman's home to consider the **harm** being caused by the subject development, which provided the wheelchair bound man the additional accommodation he needed for his care provision and general good health & well-being outcomes, given that he was unable to easily access the first floor at his property.

The development was an outbuilding. The gentleman pleaded that there were similar outbuildings at both neighbouring properties, insisting that it was crucial development for him and his carers. However, whilst looking down on him sitting in his wheelchair, the female planning officer explained her view that the development and use thereof was harmful to the neighbours (including **future** neighbours) and **must be demolished**. Despite the genuine defence Mr. S had in law, (by virtue of s. 179(3) of the TCPA 1990 given that he was unable to comply with the requirements of an enforcement notice "unaided", a 1997 decision of Warwick County Court), the planning officer advised Mr. S that he should either take down the development voluntarily or receive an enforcement notice, which if he did not appeal or lost any appeal, he would be required by law to demolish.

The planning officer further informed him that if he failed to comply, the Council would demolish the development directly, charge him for so doing and if he failed to pay, it would lead to an order being applied against his property.

In time, a Planning Enforcement Notice was issued, which Mr. S did not appeal as he received conflicting advice and on his own, he was not knowledgeable about his rights. For more than five years (Feb. 2014 to Dec. 2019) this elderly, disabled, homeowner suffered the threat of direct demolition, like a sword at his neck, though the 17-22 years earlier Court decision provided him the genuine, legitimate defence (through s. 179(3) of the TCPA 1990), which no one cared to alert Mr. S to.

According to the gentleman's relative, the LPA's planning and enforcement department made Mr. S's last 5 years of life "**a living hell**". Reprieve was only had when Mr. S's son came to his rescue and removed him from the UK to live with him and his family in Canada, where sadly he died in January 2020 having become bed bound the day after arriving in North America. Mr. S's son was grief-stricken that his father had endured so much abuse and torment at the hands of a local authority that ought to have been helping the vulnerable resident, satisfying their duty of care towards him.

Today, the outbuilding stands, though the case is closed, but the development remains *unlawful* (allegedly illegally), as at the time of issue no statutory *Equalities Monitoring* was undertaken.

The elderly, disabled gentleman, who shared the key protected characteristics of "age", "disability" and "sex" **needed** the development due to his health and impairment issues. However, instead of the Council supporting him and treating him with the required compassion and kindness, he was allegedly humiliated and harassed, where the protections that exist in law to safeguard him (through the Equality Act 2010 (the PSED, s. 149, esp. subsections (4) and (6), the provisions of the Care Act 2014 and others) in practical terms meant nothing, as the planning officer allegedly had an attitudinal mind-set against supporting those in the *vulnerable* category.

Issues identified in this case study have been found to often exist within LPA's, so local authorities are requested to meet the housing needs of their residents through specifically designed policies, as mostly *Planning* is executed locally.