# Enforcing planning regulations in areas of high immigration: a case study of London

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**Abstract**

This paper explores the interface between immigration and compliance with planning regulations using data from interviews and a focus group with senior planning enforcement officers in London. The data reveals distinctive issues that arise for immigrants' compliance with planning regulations, specific types of residential, commercial and cultural breach that occur with immigration, and operational issues that arise when investigating and resolving planning breaches involving immigrant communities, including gender sensitivities and language barriers. The paper concludes that despite difficulty distinguishing immigration from ethnicity, faith or religious affiliation, there are important normative and principled aspects of immigrants' compliance with planning regulations. .

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## Introduction

*Immigration and an encounter with a new planning context*

This paper explores the enforcement of land use planning regulations in an area of high immigration. Its aim is to investigate the following question from a planning enforcement perspective:

> "what happens to individuals, who have developed in one cultural context, when they attempt to re-establish their lives in a new cultural context?" (Berry, 1997, p. 5).

Immigrants change cultural, social and legal contexts with the act of settling in another country. This change can be moderate or dramatic depending on the country of origin and the country of settlement. Immigrants will assimilate or acculturate to varying degrees with the social, legal and cultural practices and traditions of the country to which they have moved. These practices and traditions cover many aspects of life, including those related to land ownership, property, land use regulation and the control of development. In relation to planning, immigrants may encounter a significantly different framework for regulating land use than previously experienced, depending on the country that they have emigrated from. Immigrants can also be expected to bring with them 'cultural luggage', meaning an understanding and accordance with various social, cultural and legal practices of the country or context from which they have emigrated (Menski, 1993, p. 249). Immigrants' use of land – and their attitudes and behaviours towards its regulation – may be quite different to those of others, and particularly different to the officials who manage the system of land use planning on a day-to-day basis. Immigrants may also be less aware of the land use planning regulations that apply in their new country, and therefore at greater risk of contravening those rules due to lack of knowledge and awareness.

Planning in Britain and elsewhere has already for several decades been confronted by the realities of a diverse and multi-cultural society, including multiculturalism arising from immigration (Qadeer, 1994, pp. 187-188; see also Sandercock, 1997, and Thomas, 2000). There has also been recognition for some time in the wider legal sphere "of impending changes to the socio-legal fabric of Britain as a result of large-scale immigration" (Menski, 1993, p. 245). A great deal of research on planning enforcement is socio-legal in nature, given its focus on the interrelationship between planning law and regulations and the behaviours of individuals. Socio-legal studies explore the interface between the law and society (Hutter, 1988, p. 55), and the iterative relationship between individuals', businesses' and groups' behaviours and the framework of law and regulations (see Hawkins and Hutter, 1993; Hutter and Sorensen, 1993; and also Feenan, 2013). An important, social aspect of such studies is the increasingly diverse characteristics of British society arising through immigration. Studies of immigration and multiculturalism have also emphasised that "social and cultural factors are intimately linked with legal matters" (Menski, 1993, p. 239). This paper therefore explores how social and cultural aspects of immigration interface with land use controls in a British context.

The paper is structured in three main parts. The introductory part defines key concepts and provide an initial case for why immigrants may encounter challenges in understanding and interpreting - as well as complying with - the British planning systems. This is followed by an exploration of a range of socio-legal factors suggesting that immigrants may find compliance problematic, and that much depends on degrees of acculturation and assimilation within the immigrants' host country. The main

part of the paper provides evidence from a case study of planning enforcement and immigration in London, based on planning enforcement officers' experiences of promoting compliance with land use planning controls. The final part then documents the study's conclusions on the interface between immigration and planning enforcement, as well as setting out a programme for further research on immigration and planning enforcement.

*Immigration status and other characteristics*

This paper uses the term immigrant to refer to someone who has emigrated from one country to live in another. This simplistic definition evades some of the challenges of defining an immigrant or migrant for statistical and analytical purposes (see Krausova and Vargas-Silva, 2013, p. 3; Blom and Jennissen, 2014, pp. 57-58). It is nevertheless sufficient for exploring the practices and experiences of those who have arrived in Britain and then encounter its frameworks for enforcing land use planning regulations. A practical difficulty for the research is that immigrants may commonly share other characteristics with different groups. Several studies identify difficulties in separating out ethnicity and immigration in analysis (Bell and Machin, 2013, p. 127; Blom and Jennissen, 2014, p. 57). The material below on planning enforcement in London confirms how difficult it is to separate out issues of immigration status, ethnicity and other factors such as religious affiliation, particularly as such communities have become established parts of Britain's multicultural society (Menski, 1993, p. 243). Various studies have attended to the relationship between the planning system and race or ethnicity (Royal Town Planning Institute and Commission for Racial Equality, 1983; Loftman and Beazley, 1998; Royal Town Planning Institute, 1993; Thomas and Krishnarayan, 1994; Thomas, 2000) and there are also studies that have explored planning and religion or faith (Gale and Naylor, 2002; Peach and Gale, 2003; Gale, 2008). These have illustrated how the British planning systems can be both culturally and racially exclusionary, yet there has been very limited attention in planning to exploring immigration itself and its implications for the operation of planning systems. The material in this paper focuses principally on immigration and acculturation to a new planning context, yet inevitably engages also with issues of race, ethnicity, and religious affiliation, as well as aspects of gender and language.

*The British planning systems: values, attitudes and awareness*

> "The entire methodology of planning…is one which is deeply rooted in what can be broadly described as traditional British values" (Woulds, 1984, p. 128).

There are practical grounds for exploring different groups' awareness and understanding of planning systems, and how these then impact on compliance with planning regulations. For example, the Department of the Environment in the 1990s commissioned a survey of the British population's attitudes towards the town and country planning system (Department of the Environment, 1995). It found the general population had relatively good understanding of the principles of the planning system and the control of development. It stated that the general population showed "considerable competence...in distinguishing between proposals that *do* and do *not* require planning permission" (p. iv). The study also referred to high levels of *intuitive* knowledge of many basic aspects of planning (p. 8) and explained this as follows:

> "For the population as a whole it would appear that the control of development through the need to seek planning permission has, over the years, been *internalised in such a way*

*that it is now taken for granted* and very little questioned" (Department of the Environment, 1995, p. 18, emphasis added).

This extract suggests that time, alongside other contextual factors, is significant in acquiring a level of intuitive understanding of the requirement for planning permission. This intuitive understanding is partly based on contextual knowledge and understanding. The Department of the Environment study also explored understanding of the planning system among ethnic minorities but, as for many other studies, without distinguishing ethnicity from immigrant status. The study found that ethnic minority groups had lower levels of knowledge and understanding of the planning system than the general population. The percentage of people who had heard of the term 'planning application' was half that for ethnic minority groups compared to the general population. The Royal Town Planning Institute (1993) similarly cited a report of one local planning authority in the late 1970s that claimed ethnic minorities at that time had "no knowledge whatsoever of British law" (p. 25). These studies refer to ethnic minorities rather than immigrants. Yet it is suggested here that immigrants new to Britain will not exhibit the same level of awareness of the planning system , and perhaps more importantly will be aware of, have internalised and come to understand characteristics and methods of land use regulation of possibly very different forms. So, there is some basis for the argument that immigration will result in some distinctive issues for understanding of and compliance with regulations in general, and planning regulations in particular. The next part explores some of the general issues of compliance before returning later to planning enforcement.


## Immigration and compliance with law and regulations

*Why do people comply with law and regulations? A normative approach*

A variety of work over the past two decades has explored the issue of compliance with built environment law and regulations (Burby and Paterson, 1993; Burby et al, 1998; McKay and Ellis, 2005; McKay et al, 2015). Understanding of compliance with law and regulations depends in parts on the perspective that is adopted, such as whether compliance is driven by instrumental behaviour or informed by a wider range of considerations, including social and moral factors. Tyler's (1990) distinction between instrumental and normative perspectives on obeying the law has similarities with Hutter and Sorensen's (1993, p. 174) distinction between calculative and principled compliance with regulations. Instrumental or calculative perspectives emphasise individuals' self-interested assessment of the gains and losses from non-compliance or compliance. A decision to break or comply with the law is one based on weighing up the advantages and disadvantages of doing so. Tyler promotes an alternative, normative perspective focusing on what people regard as just or moral, and attitudes about how people *should* behave in relation to the law (see also Burby and Paterson, 1993 on social and moral bases for compliance). Tyler (1990, p. 4) explored how normative or principled approaches link to personality, morality and legitimacy, in the sense that individuals will consider whether the law and its enforcement organisations have the right to control behaviours (see also He, 2005, p. 533). This normative focus allows us to explore why people may 'voluntarily' comply with regulations (Tyler, 1990, p. 21; see also Hutter, 1988, p. 6; and Hawkins, 1984, pp. 3-7). A normative or principled approach to compliance with law and regulations opens up a wide range of different considerations, many of which are social and cultural in character. These social and cultural characteristics may vary by country. Consequently, immigration may provide interesting opportunities to assess differences in relationship to legal and regulatory frameworks, including degrees of compliance. Tyler (1990, p. 29, citing Sears 1983) also argues that normative principles "are enduring values that develop early in a person's life". Immigrants would already prior to emigration have

developed these principles and norms related to law, regulation and compliance that would then endure post-immigration (He, 2005). The next section identifies other socio-legal factors that are likely to reinforce these normative principles in relation to immigrants' compliance with regulations.

*Socio-legal factors leading to challenges for compliance by immigrants*

There are several socio-legal factors that create challenges for immigrants' compliance with law and regulations. These include lack of awareness of the law and regulations in an unfamiliar country, the often disadvantaged socio-economic circumstances immigrants occupy on arrival, and the transience and relative instability of the areas they often live in (Martinez and Lee, 2000). The law is also usually a reflection of the distribution of power and resources within any society (Hutter, 1988, p. 25), and so in many cases the law may be limited in its reflection of immigrants' interests. This then may make compliance more challenging for immigrants. Immigrants may also arrive with varying interpretations of the legitimacy of law, both generally and in relation to the form of law applying in the country of immigration (He, 2005, p. 258). Other studies also identify important issues of how immigrants may relate to the legal and regulatory systems of their host countries, informed by their experiences prior to immigration (Song, 1992, p. 704). These factors can result in situations of legal pluralism whereby British planning laws may exist alongside other legal systems specific to and 'imported' or adapted by immigrant communities. This has implications for acculturation and compliance, in that immigrants may be weaving between different legal systems or 'hybrid rule systems' (Menski, 1993, p. 245; see also Poulter, 1986). These general issues affecting the degree to which immigrants may comply with laws and regulations are compounded by the practical, day-to-day operation of regulatory systems. Immigrants originating from some parts of the world, particularly some parts of Asia, experience a "weak regulatory environment, poor rule of law and pervasive corruption" within their home country, and consequently low levels of compliance (Azmat, 2010, p. 381; see also He, 2005). This can create difficulties for businesses and individuals when exposed to a different regulatory context and practices than they may have been in their country of emigration, especially if emigrating from less developed countries (Azmat, 2010, p. 378). For example, immigrants to Britain are, subject to where they emigrate from, likely to experience a more highly regulated and enforced system for the control of land use than is operated in their country of origin. Davis and Henderson (2003, p. 565) argue that immigrants can also arrive in their host country with preconceived notions of authority and the role of policing and enforcement, which can result in significant distrust of officials based on prior experience. Azmat (2010) similarly argues how in some less-developed countries bribes, gifts and illicit payments are seen as an accepted part of regulatory compliance and enforcement practices. Enforcement and compliance practices can also be influenced by 'hidden norms' that complement the formalities of legislation, policy and guidance (Hutter, 1988, p. 14). Tyler (1990, p. 19) also identified the importance of informal rules in how they affect compliance with the law. These 'hidden norms' and informal rules are often embedded in particular cultures and contexts. They are learnt or acquired with experience, and immigrants may only acquire and understand them with exposure and use. Thomas and Krishnarayan (1994, p. 5) identified how similar 'rules of thumb' could impose an unfair disadvantage on ethnic minority groups engaged in the planning system. In short, compliance is affected by more than an understanding of the formalities of the law, and relies also on contextual understanding of how regulatory practices operate. In summary, there are various factors that may lead us to expect that immigrants will encounter a range of difficulties that make compliance more challenging, or would lead us to expect that compliance levels will be lower than for the non-immigrant population. Nevertheless, the next section explores the process of immigrants' acculturation to a new context and the impact of these on compliance with regulations.

*Immigration, acculturation and compliance*

An important aspect of immigrants' compliance is the extent of their acculturation to the 'host' country. Immigrants engage in - or alternatively may resist - acculturation processes on arrival in a new country. These processes can impact on individuals' behaviours and activities. Berry (1997, p. 6) explored these acculturation processes from a cultural psychology perspective and asked:

> "do individuals continue to act in the new setting as they did in the previous one, do they change their behavioural repertoire to be more appropriate in the new setting, or is there some complex pattern of continuity and change in how people go about their lives in the new society?"

Berry argues that immigrants experience a complex pattern of continuity and change. Key variables in acculturation processes include the political and economic contexts of both the society of origin and the society of settlement (see Berry, 1997, figure 2). These societies may be complex, plural and multicultural ones, especially where there has been a long tradition of immigration (Horeczyk, 1997, p. 35). The interplay of these factors impacts on whether immigrants identify with their host country and adopt an "attitude of [wanting] to fit into, and live according to, the norms and standards prevailing in the host culture" or otherwise "remain locked in their traditional ways of thinking and behaving" (Nesdale and Mak, 2000, pp. 484-5). The retention of norms, standards and practices can, depending on the host country's own norms and standards, result in challenge or even conflict between different systems. Specifically in relation to planning, Krishnarayan and Thomas (1994, p. 20) refer to occasional 'culture clashes' arising in Britain from a racially and ethnically diverse society. These clashes could be interpreted as the product of acculturating individuals or groups failing to 'yield to the behavioural norms of the dominant groups' (Berry, 1997, p. 18), or alternatively to the failure of society and its institutions to adapt their norms and practices to accommodate difference. Some have identified expectations that immigrant communities are likely to adjust and integrate into their host countries and their legal systems over time, yet also challenge the dominant perspective that it is immigrants that should adjust to the laws, practices and customs of their new country (Menski, 1993, p. 246-8). Studies of immigration and acculturation do nevertheless show that acculturating individuals usually exhibit "some long-term positive adaptation to the new cultural context" (Berry, 1997, p. 13). These positive adaptations are likely to foster greater acceptance of and compliance with aw and regulations. The final section of this part of the paper now turns to empirical studies of immigration and the incidence of crime as an indicator of compliance with the law.


*Studies on immigration and the incidence of crime*

Recent studies of whether immigration results in changes in the incidence of crime provide a basis for reflecting on immigrants' compliance with law and regulations. The various factors recounted above would lead to an expectation that immigrants run a greater chance of breaking the law. Yet several studies challenge the perception that immigration leads to increase in certain forms of crime, and conversely find that immigration has a neutral effect on the incidence of crime, and may even reduce it (Ousey and Kubrin, 2009; Bell and Machin, 2011; Zatz and Smith, 2012). Spatial studies have also explored the tendency for immigrants to settle in areas characterised by already high levels of immigration, finding no positive relationship between immigration and incidence of crime (Bell and Machin, 2013). In fact, studies find a beneficial effect of immigration on crime in the areas of higher concentration of immigrants, and particularly so when there are greater levels of homogeneity within

the immigrant population (Bell and Machin, 2013, p. 135; see also Jaitman and Machin, 2013, and Vaughn et al, 2014). Vaughn et al conclude that "despite popular assumptions about immigrants, there is relatively little empirical research in support of the notions that immigrants are disproportionately likely to contribute to crime, violence and correlated social problems" (2014, p. 1130). These studies focus on criminal activity, rather than lower-level non-compliance with regulations of the kind represented by land-use planning. They nevertheless provide a basis for challenging the expectation that immigration is likely to result in lower levels of compliance with law and regulations.

*Summary: immigration, planning and compliance*

The opening sections of this paper have argued that the process of immigration is likely to give rise to a series of socio-legal issues that impact on planning enforcement. It has argued that immigrants are likely to face challenges in acculturating to a new social and legal context, a context that includes how land use and development is regulated. It has also identified a complex picture on whether immigrants are likely to be more or less compliant than others with law and regulations - various factors suggest that a compliance gap is likely, yet evidence on crime suggests that immigrants are more compliant than non-immigrants. A socio-legal perspective on immigration and planning also highlights the importance of how the social process of immigration interacts with regulations and their enforcement, and so opens up for investigation how regulatory practices adapt to a diverse population and the presence of large numbers of immigrants. Immigration may therefore influence how planning regulations are enforced. The remainder of the paper explores these various and complex issues through an empirical study of planning enforcement in London.

# Planning enforcement in London as an area of high immigration

**Research design and methods**

This part of the paper is based on fieldwork carried out in London in summer 2014. London was selected as a case study due to its particularly high level of immigrant population (see below). London is in many ways a unique case, given its very diverse population and high degree of urbanisation. Future research could usefully explore the interface between immigration and planning enforcement in other British cities. London nevertheless provides a location in which the extent and effects of immigration can be easily articulated.

The data focuses on planning enforcement officers' perspectives on promoting compliance with land use planning regulations in areas of high immigration. Their perspectives are particularly important. Earlier studies have demonstrated how regulators' perceptions of those that they regulate, as well as their moral judgments, help to explain enforcement approaches and outcomes (Hutter, 1988, p. 11; Hawkins, 1984, p. 70). The enforcement procedures adopted by officers "are shaped by the assumptions they hold about the activities and population they regulate" (Hutter, 1988, p. 80; see also Hutter and Sorensen, 1993, p. 172). For example, Hutter's (1988) study of environmental health officers' noted how officers attributed differing characteristics to different ethnic groups. She noted officers' views that Gypsies could be "expected to cause serious environmental problems", while Asians were "considered to be very industrious but are perceived as unfriendly" (p. 113). Chinese food operators were thought to have good standards, while West Indians were regarded as 'happy go lucky' and amiable people - with the effect that offences were often interpreted as accidental rather than intentional. So, while the data captures a specific perspective on immigration and planning

enforcement, based on the regulators' experience, it is an important one. The paper's concluding section highlights other research opportunities that can extend our understanding of other aspects of planning enforcement and immigration, including the perspectives and experiences of immigrants themselves.

The fieldwork comprised one-to-one interviews with planning enforcement officers - carried out either face-to-face or by telephone - and a focus group of planning enforcement officers. The planning enforcement team of each London borough was invited to participate in the research. The research included 17 participants representing 14 of the London Boroughs. Written correspondence was supplied by two additional London Boroughs. Participants were typically planning enforcement managers, team leaders or senior enforcement officers. Reasons given by invitees for non-participation related to pressures on their time or immigration not being seen as relevant to the locality. Interviews and focus group discussions were transcribed prior to open coding and inductive content analysis. Pseudonyms are used throughout to reflect participants' gender and ethnicity and support interpretation of the data. Similarly, fictional or replacement place names are used.

**London and its boroughs: a place of high and enduring immigration**

London was selected as a case study due to the extent and concentration of immigration in the London boroughs. Around 9% of the population of England are immigrants, with significant variations between different parts of the country (Bell and Machin, 2013, p. 124). The larger urban areas of Britain - and especially the capital, London - exhibit the highest concentrations of immigrants. The 2011 Census indicated that 37% of London residents and over 42% of Inner London residents were born outside of the United Kingdom, resulting in an immigrant population in London of around 3 million people (Krausova and Vargas-Silva, 2013, p. 4; see also Jaitman and Machin, 2013, p. 3). Only one of the 20 local authority areas with the highest proportion of non-UK born residents is located outside of London (Office for National Statistics, 2012). This immigration has occurred over decades, yet London's non-UK born population increased by 54% in the period 2001-2011, and around 47% of London's foreign-born residents in 2011 were aged between 20 and 39 years of age. Consequently, immigration is an on-going process, with varying patterns of immigration from different parts of the world over time. The London borough with the highest share of non-UK born residents was Brent at 55%, while the borough of Barking and Dagenham experienced a 205% increase in its non-UK born population over the decade to 2011.

The planning officers in this study were typically able to describe historical and spatial patterns of immigration in their own boroughs and, in some cases, also to relate these to physical characteristics such as housing stock and incidence of particular types of planning breach. The following is an example of how Susan, a highly experienced enforcement manager, fluidly relayed the make-up of her area:

> "mostly Sikh people who were migrating northwards up through Brackford Green. Then I was also aware of perhaps a fairly large Muslim population, Bangladeshis and so on, that would be around Harewell area, particularly towards the ... industrial area where there's a gas works ... the least advantaged housing that we had there. But the north of the borough is quite affluent and would have quite a mixture of people and businessmen, and those naturally would be Hindu and Jewish and that type of person who was running businesses."

It is clear that many enforcement officers have an intuitive understanding of the composition of different neighbourhoods, have an understanding of different phases of immigration over time, and

can articulate social, economic and environmental factors in a spatial context. It is also clear from officers' accounts that immigration status very quickly becomes entangled with other characteristics such as ethnicity and religious affiliation, making these very difficult to explore separately.

**Cultures of compliance**

> "*this is a different country, and they are used to what is acceptable in their country*" - Kofi, enforcement team leader, London

This section explores some of the factors that may affect the extent to which immigrants comply with planning regulations. It focuses initially on lack of awareness of planning regulations as a barrier to immigrants' compliance, how such regulations are understood and interpreted, and different interpretations over land use and its control. It then addresses how immigrants relate to the institutions and authorities responsible for promoting compliance, and concludes with a section on whether acculturation to planning regulations changes over time. These various factors contribute also to the question of whether there is a distinct culture of compliance or non-compliance with planning regulation among different immigrant groups.

*Awareness and understanding of planning 'rules'*

The lack of awareness of regulations among immigrants and migrants is documented in various studies, both generally and in relation to planning regulations (He, 2005, p. 540; Gale, 2008). This lack of awareness can be a basis for non-compliance. Gale identified how conversions of residential properties to mosques and madrassas "often took place without awareness of the need to obtain planning permission" (2008, p. 28), and that being new to Britain was a key factor in not being aware of the requirement for planning permission. The London planning enforcement officers identified similar issues with lack of awareness of planning rules, with Kofi - a Black African - explaining:

> "People from outside of the UK, some don't have any knowledge of planning, so they will dispute something or chase something and when you approach them they say '*oh, I didn't know that*'. In some cases you get people who are frightened of the law, so if you come up their property they think you are the police or maybe immigration, so they will actually comply and carry out the work. But in a lot of cases they will completely ignore you. "

One of the enforcement officers suggested that even when planning regulations are explained, that some immigrants may interpret these 'rules' differently. Asked if immigrants had a different understanding of planning rules, Susan replied:

> "I think so. I think they may be taken as general guidance for start, rather than exact guidance. So if you go out there and say its 2.6m it should be 2.5m, they will say what is wrong with that, or they will have tried heightening the garden and say it's only 2.5m now. I've never know the natural population to do those sort of contrived things, or when we come back to try and cover up breaches."

This statement is interesting for the planning officer's portrayal of an exactness of 'rules', which is at odds with some of the "characteristic values of English regulation", such as discretion, conciliation and compromise (Hawkins and Hutter, 1993, p. 201; see also Harris, 2010). This awareness and understanding of planning regulations is complicated by other socio-cultural and legal factors related to the significance of land ownership. This study and others have identified how for some immigrants

ownership of land and property is understood to confer entitlement to develop. Gale quotes a Muslim interviewee as stating that "As long as they knew that they owned that house, that was theirs, so they can do whatever they like" (p. 29). The planning enforcement officers in this study identified similar interpretations among immigrants, with Susan arguing:

"I do think there is 'I own my property, I can do what I like with it' ... which means that it is more difficult to put across that there are rules and regulations, because people feel that if they own it 'it's mine, I can do what I want with it'. I think that is perhaps because where those families have built before which is not in this country, those would be the rules there. "

Even where there is acceptance of planning regulations that control land use and development, these may still confront particular conceptions of how land uses are organised. The planning systems in Britain classify land uses at a relatively high level (for example, shops, food and drink, business, residential etc) and also recognise the possibility of mixed uses. Yet there is typically an understanding that land and properties have an authorised use, understood broadly within the categories created by planning instruments. Gale's study of religious spaces (2008, p. 34) identifies how the planning system typically assigns 'conversion' from residential to religious use to discrete use-categories, that is the separation of 'home' from a place of worship. Gareth, a senior enforcement officer, articulated the challenges of some immigrant cultures adopting a more fluid approach to the use of land and buildings:

"Around High End we have a lot of people from Latin America. I suppose the cultural difference…is how people go out and socialise in the evening. I have never been to Latin America, but imagine you don't have that you have a pub, a restaurant, a nightclub, because you try and merge all into one – that's the style of development I've come across recently, which can be quite problematic."

Gareth's enforcement manager, Andrea, also recalled a case of unauthorised development under investigation:

"It's a hairdresser. But come 6 o'clock [on a Saturday might] it becomes a social space ... congregating spaces outside of premises...a lively street. But also something that has been observed, I presume its West African, is ... having babies strapped to your backs at three in the morning, while the speakers are out on the pavement and there are 30 people socialising, is not ... is quite different to kind of what a lot of people would find ... it's a cultural thing"

There are therefore a range of socio-cultural factors - focused on land, its use and its regulation - that may contribute among immigrants towards lower levels of compliance with planning regulations.


*Deference to and evasion of authority figures and institutions*

One of the interviewees speculated that immigrants' compliance varied by country of origin and how different nationalities relate to authority figures and institutions. Consequently, some immigrants from particular countries responded well to approaches by planning officials:

"it's a lot about the relationship between authority figures. So, where you have got people coming into the UK they equally import their relationship from their home country and their home culture. It's their relationship to whatever local authority there was and

they bring that with them and kind of push that onto the local authority here. So, Koreans for example, might have a very compliant culture... there is more of a tendency towards respect for authority figures"

Trevor, an enforcement team leader with experience both in London and elsewhere in England, here echoes Hutter's findings about the importance of regulators' "assumptions about predispositions to compliance with the law" (Hutter, 1988, p. 153, citing Kelman, 1984). In another example, Mark – responsible for enforcement in one of the more affluent London boroughs - noted how other nationalities may experience frustration at the system of British planning regulations, speculating that this is framed by prior experience outside of Britain:

"I wonder if the owner of the developer brings here with them their experience of what they have had to do with other properties elsewhere in the world? And then they run up against problems here with us, and then they think 'why should I have to deal with this kind of stuff, we don't have this in Italy?"

Some responses highlighted difficulties in certain groups, including immigrants, being disengaged from the council, while Susan referred to what she interpreted as evasive practices by some religious groups or nationalities:

"Certainly trying to get people into court is hard. Sometimes I feel people haven't given us the right name. With the Sikh population they might give us Mr Singh, which is like saying 'Mr Mister', and then you're not quite sure who you are dealing with until you see the land registry documents. And then you are never quite sure whether you are actually dealing with the owner, or if you are dealing with a relative, or whether the person has given you the wrong name, or dealing with a relative on someone's behalf. It's often very difficult to work out who you are actually speaking to. "

Another enforcement manager, Jacqui, referred to similar experiences when investigating long-standing breaches by those in the Somali population, stating that "Each time I go on site I meet another 'brother'". The same population was also claimed to be evasive when under investigation, with Jacqui arguing "I think with the Somalis they just try to hide, they avoid you". Susan also elaborated on 'evasive practices' specific to immigrant and ethnic minority communities:

"I would generally say we have far more excuses of 'we are not here', or 'we are about to go on holiday to India for six weeks'. I think it's easy to give those types of excuses really. I've never heard someone say there are going down to the Dorset Coast for six weeks, but I've heard many times 'I'm going back to India for six weeks, you will need to come back in six weeks'".

These extracts together illustrate several important points. These include officers' perceptions of different degrees of deference to authority among different nationalities, and the attribution of evasive practices to specific nationalities, as well as identifying practical difficulties in securing compliance among certain religious groups. Some claims are also interpreted as 'excuses' to avoid investigation or compliance by authorities, particularly when contrasted with the non-immigrant population.


*Acculturation and compliance with planning regulations*

Some officers suggested that the propensity for compliance changed over time and with different generations of 'immigrants'. For example, Daniel argued that recent immigrants demonstrated considerable degrees of compliance in relation to minor breaches:

> "the closer the immigration is to the current day, you find the more willing they are to comply once an authority figure has visited. I suspect, most of the guys out there would say the same – that first generation immigrants will generally get on with it, whereas the more established people, with money behind them, perhaps education, are more willing to fight their corner"

The latter claim – implying that once communities have 'settled', they demonstrate greater resistance to compliance – was also echoed by Gareth's experience:

> "the first generation are a bit more confined, less inclined to argue back. The second generation slightly more educated, and more kind of aggressive in the way they approach things. You have the elders who are reasonably compliant, then the second, third generations"

Another officer, Pauline, who manages the enforcement team of one of the inner London boroughs, compared settled immigrants and the non-immigrant population, arguing that the former were more likely to challenge or resist compliance with planning regulations:

> "there is a lot that will have a go at anything, and that is what we have found with a high level of migrant or settled immigrants, that groups of people are more prepared to keep challenging the system. I think our original population will not challenge to such a degree."

This section closes with one interviewee's sensitive reflections on the reasons why higher levels of non-compliance with planning controls by immigrants cannot easily be attributed to matters of culture, predisposition or historic experience. Andrea argued that:

> "immigrant groups…are scratching a living and the council is irrelevant. It's like having enough money this week. There is another hairdressers open this week…and another fast food takeaway, and people are scratching a living. The council imposing restrictions on them and trying to make them see that they are possibly causing planning problems, it's not on their one-to-ten list to do this year, I don't think. That is why it's very difficult to bring people along when they have very difficult lives."

This is a valuable reminder that individuals make pragmatic decisions about what is important or significant, and that planning compliance may not be a priority for individuals. It is not a matter of a culture of compliance, but a pragmatic response to circumstances. The next section extends some of the above issues to immigrants' propensity to report suspected breaches of planning regulations.


**Immigrants' engagement with planning enforcement as complainants**

*Reactive and amenity-based enforcement systems*

Planning enforcement in Britain is driven largely by reaction to public complaints of suspected unauthorised development. This is explained partly by a lack of resources to engage in systematic monitoring, but is also a feature of a system based on protection of residents' amenities. There are several disadvantages of reactive systems driven by complaint. They can, for example, be overly

responsive to particular neighbourhoods that have a propensity to report complaints. In a diverse society, or an area patterned by immigration, they can also reflect different cultures of reporting complaints. Some studies have suggested that amenity considerations may be understood or valued differently by ethnic minority groups. For example, a Royal Town Planning Institute study (1993, p. 34) suggested that overlooking and its effects on privacy is not necessarily problematic for some cultures in the way that it is for many sections of the British population. Woulds' study (1984, p. 142) reported similar cultural differences, with Asians being more likely to defer to what were interpreted as a neighbour's 'needs' when proposing residential extensions. Consequently, a complaints-based system will reflect different interpretations of amenity.

*Cultures of complaint*

Planning enforcement officers reported "very different cultures of complaining" across some of the London Boroughs, related partly to the spatial patterns of immigration in those areas. One officer, Daniel, suspected that the 'White British' population was over-represented as a proportion of enforcement complainants, although statistical evidence was not available to support this (see section below on data and monitoring). The differing propensity to complain of a breach of planning control was also referred to by Susan. She identified too that this was patterned spatially, leading to some areas being especially sensitive to reporting suspected breaches. She reported:

> "a feeling that areas of similar groups of migrants…weren't reporting things to us, so the council didn't get to know about them, whereas in the north of the borough, if anyone laid a brick we would be called out…'can you come and look at this outbuilding?'"

Daniel also reflected on the spatial patterns of enforcement complaints across his borough:

> "The west, I would say, is the most deprived side - we probably get the least complaints about. By far the least of this sort of development [beds in sheds and residential sub-divisions], or either sort of development, which is probably counter-intuitive really."

The reference to low levels of complaint in the most deprived areas - which were the focus of immigration - as counter-intuitive is particularly interesting. This raises the prospect of areas of high immigration not reporting or under-reporting breaches of planning controls. There are various potential explanations for this. One of these relates to areas of high immigration that experience a significant turnover of population. Some of the London boroughs experience considerable 'churn' in their population, meaning that each year a significant proportion of their population either moves in or moves out of the borough. Pauline stated in the focus group that 25% of the population in her borough turned over every two years. The Royal Town Planning Institute (1993, p. 35) also drew attention to this phenomenon in its study of ethnic minorities and the planning system, noting the impacts on the physical and built environment that can arise from concentrations of transient populations. Gareth articulated this as follows:

> "There is a difference between a home owner immigrant, if you own your own home you are more likely to protect the area, whereas if you are rented, students and things like that … so there is a slight change. You go to rich areas where they have got a high Asian population and they are very nice and they will report things and maintain their area as they have an asset. But they could equally be the landlords with properties all over the place, but when they have their own patch they try to maintain it."

In Gareth's statement, as well as one above referring to 'areas of similar groups of migrants', there is reference to areas characterised by immigrants with similar characteristics or ethnicities. Susan elaborated on this, arguing for different propensity to report breaches or complain depending on the degree of homogeneity of the area, including on religious affiliation:

> "I've just got a sense that perhaps a Sikh family may not alert us to another Sikh family, or a Muslim family may not alert us to another Muslim family, whereas I feel there may be sort of 'cross cultural reporting'. If you have an area with a lot of people from the same background, I just don't think we get reports."

So, the extent of complaints arising in an areas is not simply a product of the proportion of immigrants or other groups in that area, but also the composition of that community and whether it is a more or less homogeneous community.

*Parallel systems of resolving conflicts*

There is an alternative explanation why some groups do not engage with formal planning mechanisms. Certain communities – especially those concentrated spatially in relatively homogeneous areas - have developed their own, parallel systems for resolving conflicts, including over land use planning issues. These remind us "that not all regulation is government regulation" (Hutter and Sorensen, 1993, p. 173). Parallel systems may be a consequence of 'avoidance reaction' where immigrant communities avoid contact with official systems, or develop customary practices that avoid recourse to official systems of law, regulation and arbitration (Menski, 1993, p.241; Davis and Henderson, 2003, p. 567). Thomas (1994, p. 106, citing Ghuman, 1982) notes similar practices of some ethnic minorities minimising their engagement with official systems. Song (1992, p. 704) also reports more generally on Asians' preference for dealing with situations privately. Familial networks can also in some cases act a framework for resolving disputes (He, 2005, p. 551). This resolving of planning disputes informally and without recourse to public bodies was principally attributed to concentrations of the Jewish community:

> "members of [the Jewish] community are very reluctant to report other member of their community. They do have very much a way of resolving issues between themselves. So our complaints don't come from that community. When we get complaints in these areas you will find they are from members of a different community."

Daniel speculated that this practice was explained by a "need [for] a bit of community cohesion, and to bring our authorities to bear would be considered detrimental to that cohesion". The issue here was not lack of awareness of formal mechanisms for addressing planning breaches, but was "an understanding that certain things are better resolved between yourselves". The potential difficulties arising from such parallel systems was clearly recognised, with concerns for communities misinterpreting planning regulations and therefore promoting breaches of planning controls. For Richard, manager of one of the more central London planning teams, these parallel systems needed to be broken down and replaced by direct engagement with the council:

> "it was all word of mouth through the community, be it the temple or the mosque, whatever it is. It's actually breaking the reliance on the word of mouth, getting them to take the council seriously, rather than an elderly or someone who they trust. "

Very little is understood about the operation of these informal or parallel systems of resolving disputes. They may nevertheless explain some planning enforcement officers' anecdotal views that some communities tend to be underrepresented in planning enforcement complaints.

**'Immigrant' breaches: types of breach associated with immigration**

The extent of immigration in London has resulted in or exacerbated particular types of breaches of planning controls. Some of these arise from the simple increase in population with immigration, while others arise from a diversity of different land uses and social practices that reflect the varied characteristics of immigrants and the countries they arrive from. Breaches in the former category are typically residential in character, and most frequently relate to houses in multiple occupation (HMOs) and 'beds in sheds'[1]. Examples in the second category include pressure for places of worship and religious practice, as well as social and recreational uses such as shisha lounges[2].

*Residential breaches*

Residential breaches are reported by interviewees as the most significant in terms of number of breaches. Pauline provided an example to illustrate the particularly high intensity of occupation of residential properties arising from immigration:

> "We've got a large increasing Somali population, but also a strong eastern European population – Latvians, Polish have been here for quite a while now. But, we've obviously got now an increasing Romanian population which are very problematic in the way they choose to occupy dwellings - high levels of occupancy. I was in one Wednesday last week and we found 28 people in a property. So the levels of occupation are just massive."

The pressure on accommodation is such that planning enforcement officers are increasingly dealing with tackling beds in sheds as well as traditional problems of increasing numbers of houses in multiple occupation. Daniel argued that "there have always been 'beds in sheds', but you're probably looking at a real explosion over the last 5 to 6 years". The extent of this kind of breach was so significant in his borough that a small team of officers was dedicated to investigating beds in sheds. The authority argued that, with around 500 cases of unauthorised beds in sheds, they were simply unable to keep it under control. The beds in sheds is a phenomenon that Daniel attributed largely, although not exclusively, to increased immigration:

> "In terms of people living there [in beds in sheds], they are generally first generation immigrants, as you can tell by the language and the accent. But that's not exclusively by any means. You do get white British and all kinds of communities living within that...[as a] percentage...60/70% first generation migrants and the remainder probably white British and established groups."

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[1] Beds in sheds is a term used to refer to residential accommodation, often built with sub-standard construction materials, and located within the plot of an existing property. In some cases they are constructed as wooden sheds, but others are made with more traditional building materials.

[2] A shisha lounge is a place where people smoke tobacco and other substances using a hookah, in which smoke is passed through water before inhalation. It is a form of tobacco smoking that originates in the Middle East. Shisha lounges or cafes have become popular in some British cities. Smoking in enclosed spaces open to the public is banned in the different parts of Britain, and so can lead to problematic usage of outdoor spaces of premises.

Such phenomena of high numbers of people living in shared accommodation were described by some as 'cultural', while Derrick pointed to the exploitation of and impacts on immigrants:

> "people who would live in those outbuildings are people who … maybe live within a shadow economy. It would be people would be least likely to complain about it and least likely to do this, I'm not saying it's all the illegal immigrants or anything like that but there are people who may not know the system as well, who may not know … their rights within the system. So they would go to those types of places they will be able to live a bit more … tighter, and they would be prepared to accept that."

This extract underlines the fact that immigrants are just as unlikely to be aware of regulations that protect their rights or quality of life as they are regulations that govern the use and development of land.

*Places of worship and faith spaces*

Religious buildings are one of the most visible symbols in the British townscape of the presence of immigrant groups, and of the impacts that migration can have on land use and forms of development (Gale, 2008; Peach and Gale, 2003). It is therefore not surprising that some interviewees identified problems with unauthorised places of worship. African churches were identified by Kofi as particularly significant in addressing breaches of planning in his borough:

> "you get quite a lot of change of use, so churches and stuff like that. And I think that's just the demand because you get pastors that have the opportunity to have a bigger congregation – so all the immigrants come in, they are prepared to have a congregation in a place like a restaurant, a place that used to be a restaurant, and so on"

The quest for suitable faith spaces also gives rise to similar points identified above about the organising of land uses and use classes, which was linked by Gareth to immigration and prior experience:

> "We did some work with places of worship, as we have a lot of places of unauthorised places of worship, we thought there was the perception there that people felt that 'this building hasn't changed, it's still a warehouse, we are just holding church services in it rather than storing goods in it. I've paid money for it, what do you mean I can't do what I want with it? I've not built anything'. And I think if you come from a less densely populated area of the world with less regulation then I can quite think how you would see that. If you just arrived and said 'well it's my business what I do on the inside'… you know I can see it."

*Social spaces: shisha lounges*

The final problematic breach attributed to immigration in London was shisha lounges. Jacqui highlighted their 'unneighbourly' qualities, as well as the difficulty of enforcement action simply displacing the problem:

> "retail units are being taken up by cafe type premises and smoking of shisha. Because of the outlaw of smoking, it relates to the open areas at the back and this is where the problem has been caused ... people smoking in the gardens late at night, causing

nuisance, disturbance. It's un-neighbourly, and we've got really quite a lot of them. As we get rid of one, it moves to another vacant premise."

These three forms of planning breach - residential, religious and social - were all attributed in part to the process of immigration and concentrations of settlement in particular parts of London. The next section explores some of the operational factors arising from immigration and the more diverse society that accompanies it.

**Operational aspects of planning enforcement in areas of high immigration**

Immigration presents planning enforcement officers with a series of operational challenges that impact on the day-to-day delivery of planning enforcement services. The two most significant issues raised by the enforcement officers were language and gender. Language issues are highlighted below as affecting how planning enforcement is approached, sometimes promoting less formal and more direct styles of enforcement activity. This contrasts with gender issues, where challenges to traditional gender roles occasionally leads to conflict and tension.

*Language and communication*

Areas of high immigration exhibit a diverse range of languages. For example, around 22% of London residents speak a language other than English as their first language and over 100 different languages are typically used in each of the London boroughs (Office for National Statistics, 2013). This a rich and complex linguistic landscape within which to promote compliance with planning regulations, and gives rise to a range of practical issues. One of these is the ability to communicate with people in English. The proportion of London's population unable to speak English well or at all is low at around 4%, yet increases to 8% for the London boroughs with the highest concentrations of people in this category. In an earlier study, Hutter (1988) noted how environmental health officers were sensitive to the possibility of misinterpreting language and culture when investigating ethnic minorities, yet were uncertain if difficulties speaking English were genuine. She noted how "they often suspect that members of ethnic groups deliberately misinterpret them to avoid compliance" (Hutter, 1988, p. 114). Susan in interview echoed similar concerns about whether language ability was being used as an excuse to inhibit investigation:

> "Quite often, if I were to only find a lady home, an Asian lady at home, she may either say she didn't understand or her husband would have to be there before letting us in. It's difficult to know whether she doesn't understand or if that's just an excuse to not let us in. But it can ... there's a barrier there of letting us in."

Language has been identified in other studies as a reason why immigrants tend to avoid entanglement with bureaucratic and legal systems (Song, 1992, p. 704). One participant, Pauline, challenged this viewpoint, arguing that immigrants' engagement with bureaucratic systems tends to be driven instrumentally by what is to be gained from doing so, and that language difficulties cannot by themselves explain a lack of engagement with planning bureaucracy:

> "My point is, they can all claim housing benefit...when they want to, they can talk. They've got an approved inspector for building control but they haven't gone through the planning process. Now to me, that must mean they are prepared to engage with the system and then why can't they go through the full system?"

Some other planning enforcement officers noted more sensitively how they had tried to engage with people unable to speak English well and had changed their own practices. This involved departing from official, written communication in English and engaging in face-to-face communication:

> "I find it effective to go on site and speak to people, because letters tend to only work for people that have a good background of English and can understand the points that you are making in your letter…I will go on site and try to explain to them why it's not beneficial for them to ignore us, and then sometimes you tend to get some sort of response from them"

Kofi's point here reflects how informal approaches to resolving non-compliance with regulations are generally preferable to formal approaches (Hutter, 1988, p. 92). A study of law enforcement in the United States also identified how immigrants, who were used to less formal interactions, interpreted a formal and 'professional' approach by law enforcement officials as impersonal (Song, 1992, p. 713). In other examples, planning enforcement officers dealing with breaches by Asian stallholders and shopkeepers achieved high rates of compliance "basically by doing very simple and quick enforcement with very simple pictorial documents". A different officer, Stephen, also reported some success with immigrant communities when taking a more direct and personal approach to securing compliance:

> "Do you adapt the way you deal with people? I mean most of your breaches tend to be businesses, Bengali businessmen putting adverts up all over the place, trying to tell them you don't need to put that many signs up outside your shop to tell me it's a photo studio, or whatever it is. But often the breaches are resolvable. We just go there, say to them 'take that sign down'. We tried the old fashioned way of sending letters out, but often they don't respond to letters because either they are not comfortable with English or they don't like responding back in writing".

Language differences are not always a barrier. Planning enforcement officers may also speak multiple languages and this can overcome language barriers and create advantages for planning compliance teams. One of the younger officers, Nisha, relayed her experience of getting better access to property by speaking a shared language with a property owner. Interestingly, Nisha, a British Asian, also identified how speaking a shared language resulted in an appeal for support with continuing non-compliance. In effect, a shared language was seen as implying shared objectives or mutual support:

> "being of south Asian background, I didn't really have problem getting access, because I speak the language. So, if I needed to I would adapt my language and speak to the older members…I speak several south Asian languages, I will do that, but a lot of the time there was thing 'oh, look, I'm just going to get away with this as long as I can', and they were able to say that to me…also I had a lot of unique experiences in that people would say 'what can you do to help me get away with this for as long as I can?'. It was a very interesting mind set, I found, from the south Asian community particularly. "

Finally, one officer challenged certain stereotyping of immigrants and pointed out that some immigrants speak English as a first language. Mark also pointed to the differing social and economic backgrounds of immigrants, and their varying and sometimes superior ability in English:

> "here, people that we deal with that are not born in the UK in many ways have better English than the officers do. They are incredibly intelligent, well-resourced people. So it's not as though you are dealing with people who struggle to communicate in English…it's a very highly educated and highly resourced group of people, who can actually play the game in our language."

Mark's final remark in this extract – 'play the game in our language' – also alludes to the advantages of a shared language in resisting compliance. In summary, language has an important role to play in supporting or frustrating compliance with planning regulations. Language can inhibit effective communication, restrict access, and create additional barriers to understanding. Language barriers can also result in the adoption of different and more direct approaches to enforcement activity, highlighting that different enforcement strategies may work better with some sections of the population than others.

*Gender*

The second operational issue arising from immigration is gender and the differing roles attributed to men and women in some cultures. The research identified particularly sensitive issues when investigating suspected breaches by those in the Asian community, especially when investigations required visits to people's homes. Earlier studies encountered similar issues, in which constraints arising from women's roles in Asian culture could be mistaken "for awkwardness and a refusal to cooperate" (Hutter, 1988, p. 114, citing the Commission for Racial Equality). One enforcement officer, Pauline, relayed her experience:

> "Never arrange a site visit in Pengham Hill on a Friday afternoon between 12 and 2 because everyone is at the mosque, aren't they? And never go to a property if a woman opens the door and is very shy, then never try and get in there, because you know that woman is obviously part of that culture – she will not entertain any discussions with any white Europeans....Now, you can argue whether the barriers are right or wrong, but you have to accept that maybe people will not talk to you."

In cases where access is secured in the presence of a male family member, then Jacqui identified that sensitive and uncomfortable situations can also arise:

> "I tend to find that if you are at home with [south Asian] women that they will not engage with you. I've been into a house where the guy said my wife is in bed, so I said I'm terribly sorry but we do need to see out the back, so he threw a cover over her. It was very uncomfortable actually, and I was very apologetic to the woman in the bed"

The gendered nature of planning enforcement teams - especially where these are comprised exclusively of males - can exacerbate cultural conflicts. One female officer, Andrea, reflected on the value to her team of being female and therefore able to access otherwise 'off limits' spaces for investigation:

> "I ended up doing enforcement, because...the enforcement officers were all male, and so there were a large number of the properties they couldn't get into because it was the private domain, it was the females' part of the house. So rather than, the difficulty, the explanation – 'we've got to do all this', the possible cultural conflict...we found a way around it"

These quotes relay the experience of planning enforcement officers in accessing property owned by the south Asian community when women are present. Some of the female planning enforcement officers also highlighted challenges arising in their work as women enforcement officers. Jacqui referred to the specific challenges she experienced with dealing with males in the Asian community:

"A couple of issues I have had is with Muslims ... On the whole they don't like dealing with women. I've been on site with my officers and they will not address me at all, they will only address the male officer that I am with. I've had an incident very recently where I went on site with one of my officers and I deliberately didn't shake the guys hand, but he shook my colleagues hand, so I put my hand forward and he completely ignored me which I found really difficult as a British woman - I found it extremely insulting."

A different female, Pauline, adopted an uncompromising approach to these situations, arguing that:

"the worst thing is men that won't shake your hand. I force my hand into people's hand now because I find that really arrogant…I think that [shaking hands] is part of our culture, and I do force my hand into men's hands now and say 'you will shake my hand'"

A male officer, Kofi, also recounted his experience of an enforcement site visit with his white, female manager who led discussions with an Asian man being investigated for a planning breach:

"I was watching him and his fist was just clenching because he didn't want her speaking to him like that. He just faced me and my colleague and he kept speaking back to us ... I don't think he liked her addressing him like that, so he found that quite disrespectful, but he held himself back. He obviously knew where he was...the more she spoke, the more aggravated he got."

These examples illustrate how immigration, and its resultant diversity, can present some very practical and operational challenges for investigating breaches of planning control. In some cases, planning practices have adapted to accommodate this diversity and the cultural practices of specific groups. Yet there remain in some examples a clash of cultures and practices, and frictions arise when planning officers assert the traditions and customs associated with the 'host' population.


**The 'wealthy immigrants' of London: high end developments and challenges for compliance**

Earlier sections have partly characterised immigrants as people struggling with economic uncertainty, various day-to-day difficulties created by language and cultural differences, and lack of understanding of how legal and regulatory processes operate in controlling land use and development. This is, of course, a partial picture and some of London's immigrant population is extremely wealthy, attracted by London's economy and its market for investment in high value property. In selected parts of London this creates a peculiar environment in which to enforce planning regulations. Mark captured the peculiarities of working in a socially polarised part of London which is a focus for high-level property investment by wealthy, globally mobile persons. Key issues of interest are the specific types of breach that occur here and the challenge of facilitating compliance. Mark and hjis authority's principal concern was breaches arising from property enlargement, including through subterranean extensions to produce 'iceberg properties'[3]:

"we have had this incredible tidal wave of development that is subterranean. If you want to make an investment, given the value of property here, it doesn't matter what you want the space for, you just want to increase the cubic space of your house, by any means. Because money is no object you will go and live somewhere else while this is being done to your house and that can take between 18 months and 2 or 3 years."

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[3] The term 'iceberg properties' is used to indicate that – like an iceberg – it is only possible to see a small proportion of the property above surface level.

Mark also expressed concern about unauthorised works to residential listed buildings and those in conservation areas by wealthy immigrants:

> "So you are walking around this building that is like a palace, but everything there is fake and new, and unacceptable from a listed building point of view. Maybe they didn't know, but they just really don't care, and money is no object so you can just throw money at the problem to make it go away."

The wealthy and highly mobile character of these immigrants also creates particular problems for conducting investigations and securing compliance due to their 'asbence':

> "what is very distinctive about [the] immigrant population is it is very, very well resourced and highly educated. We don't actually get to meet that many of them because they are so well resourced they have agents acting for them in every respect…we don't generally deal with the breacher or the developer first hand, they normally have someone else to do things for them"

This 'absence' and having to work through intermediaries erects further barriers to the scope for planning officers to achieve regulatory compliance.

**Data collection on enforcement, ethnicity and immigration status**

The field data above is qualitative in character, yet the study also explored the potential to access statistical data relevant to enforcement and immigration. Various studies have called for monitoring of the planning system's impacts on ethnic minorities and check for bias in the delivery of planning services (Royal Town Planning Institute, 1993, p. 15; Thomas and Krishnarayan, 1994, p. 14). Some studies suggest differing outcomes from the planning system based on race and ethnicity. Thomas (1994, p. 101) cites a Sheffield study of hot food takeaways that revealed very different rates of refusal for planning applications made by Asian and Chinese applicants compared to ethnic minorities generally. Gale's study (2008, p. 26) similarly highlights data on varying approval rates by religious groupings when applying for planning permission for places of worship. Yet the fieldwork in this study reveals very limited progress in monitoring of enforcement activities. There is practically no monitoring of enforcement cases by ethnicity, nor any monitoring of enforcement complaints. Mark suggested that "Enforcement is ethnicity blind…because we don't collect information from complainants or developers on their backgrounds". Several interviewees argued that monitoring such data could be 'interesting' and could help to explore some of what they suspected anecdotally about propensity to breach and submit complaints. They also speculated that information could reassure communities that different groups were being treated fairly. Derrick noted his council's initiative to deal with 'rogue landlords' and its concern

> "not to appear to be targeting based on race. Councillors…wanted to know they we weren't doing things in a vindictive or … racially-biased way".

Most participants were nevertheless generally sceptical about the utility of monitoring enforcement cases by ethnicity or similar characteristics, questioning what use would be made of the data. Some highlighted that there still needs to be 'a will to do something about it', even if data were to show important differences. More significantly, participants saw monitoring as laden with risks, given the sensitivity of requesting information, what that information may reveal, and how it could be interpreted. On the practical challenges of collating data, principal enforcement officer Faye argued that conflicts may arise, stating: "'*I phone in with an allegation and you ask me my ethnicity …why do*

*you want to know*?'" Additional concerns were also expressed about extending data collection to immigrant status. Jacqui highlighted concerns about 'labelling people' "because the onus would be on us to say whether or not we thought they were or weren't [an immigrant] – is it an immigrant or is it someone who has lived here all their life?". The greatest concerns of officers, as captured by Trevor, were not practical ones of data collection, but the potential consequences of data being available:

> "On the enforcement side of things, in all honesty, if we are recording that information I can only see that being a problem, because somebody is going to say 'why are you getting more white people reporting this'? Why are you taking more action against people from Eastern Europe?' The answer to that is, it's because that is who reported it, and that's because they breached. Ultimately, you are going to get hung from a lamppost."

Richard referred to the political fall-out from enforcement actions in his borough that appeared to focus disproportionately on a section of the community.

> "The Tories took over and they were a lot more pro-planning enforcement, 'get on with it, serve notices and get things forward'. There was a real 'them and us' at the time – the white Tories are picking on the Asians and the Asian areas, because that's where the breaches were predominately occurring. So we really upped the ante in terms of notices and prosecutions, and we got the leader of the Labour party at a committee saying we were institutionally racist"

These various points reveal very limited appetite for monitoring of enforcement complaints and actions by ethnicity or similar characteristics, driven by practical concerns about data collection, scepticism about its value, and political sensitivities about the interpretation of data. There are also practical difficulties with collation of data on immigration status, focusing on similar issues of sensitivity of data and definitional problems. Consequently, it will continue to be difficult to source statistical data on planning enforcement and immigration.


## Conclusions

The aim of this paper was to explore what happens when immigrants encounter a new planning context, focusing on compliance with planning regulations. The paper has identified various issues which suggest that immigrants' compliance with law and regulations, including planning law and regulations, will be challenging or problematic. Yet these are complex, multi-faceted issues, and the interaction between immigrants and their new regulatory context depends on important factors such as acculturation, assimilation and spatial patterns of settlement. This section presents the key findings and conclusions of this study and concludes with recommendations for future research on immigration, planning and compliance.

The paper provides evidence that planning enforcement officers in London can articulate a range of compliance issues arising from patterns of immigration, yet – as for analyses of immigration more generally (Blom and Jennissen, 2014) - that they have difficulty in disentangling these issues from related characteristics such as race, ethnicity and religion. Planning enforcement officers attribute a range of characteristics to immigrants, but importantly also differentiate between immigrants from different countries, including on the extent to which they are likely to comply with planning regulations. Such findings point to the existence of different cultures of compliance. Some practices by immigrants are argued to be deliberate attempts at avoiding compliance with planning regulations, and these are in some cases claimed to be specific to particular immigrant groups. The evidence therefore points to the existence of important normative or principled factors influencing immigrants'

compliance, alongside purely calculative and instruments ones, although these also remain significant (Tyler, 1990; Hutter and Sorensen, 1993). Participants noted in particular the relevance of some of the factors highlighted by Martinez and Lee (2000) such as the instability, transience and challenging economic circumstances faced by recently arrived immigrants, and the effects these have on compliance or avoidance decisions. There is also some evidence of enforcement officers' sensitivity to the economic, social and cultural circumstances of immigrants, yet in other cases there is evidence of a clash of cultures and practices, particularly around issues of gender, language and communication. There is in the empirical material reported in the paper a series of operational stereotypes of immigrants held by regulators, echoing Hutter's (1988) findings in parallel regulatory fields, as well as some examples that may challenge popular images of immigrants and immigration. The cases that planning enforcement officers in London deal with are also shaped and influenced by immigration, sometimes exacerbating the extent of certain types of breach, or even giving rise to specific types of breach more directly associated with immigrants from specific countries. There is also evidence of planning enforcement practices evolving to reflect engagement with a more diverse, immigrant population, a reflection of Menski's (1993) argument that the relationship between regulation and societies characterised by immigration is not one of immigrants simply adjusting to the established principles and practices of the country of settlement. This is most obviously evident in the adoption of less formal, and more personal, yet also more direct approaches to investigatory practices and enforcement. The case study also provides evidence on the effects of acculturation processes, and patterns of adjusting to or resisting host cultures (Berry, 1997; Nesdale and Mak, 2000) – with the material suggesting that acculturation can lead to more effective resistance to efforts to secure compliance.

The focus in the paper on planning enforcement officers' perspectives has revealed important aspects of planning compliance and enforcement in practice. Nevertheless, it is only one of several different perspectives and alternative ways of exploring the complexity of immigration and planning regulation. This section therefore concludes with an outline of future research possibilities in this field, building in large part on approaches characterised by socio-legal studies (Feenan, 2013). An important focus for research will be on immigrants' own experiences of engagement with planning regulation and enforcement. This would provide opportunity to explore whether their experiences accord with the picture painted by planning enforcement officers, including attitudes towards planning regulations, compliance and other aspects of regulation outlined above. For example, it would assist with exploring what are regarded by regulators as sometimes deliberately evasive practices, or as 'excuses' to resist compliance. Work engaging closely with immigrants, as well as spatial and statistical analyses, would also shed further light on matters such as propensity to breach planning regulations and also the propensity to report complaints of suspected unauthorised development. This work could adopt similar approaches to those studies that have evaluated the relationship between immigration and the incidence of crime (Bell and Machin, 2013, 2011, 2013). The operation of 'parallel systems', in which certain communities manage their own affairs and disputes in relation to land-use matters – a planning equivalent of Menski's (1993, p. 245) hybrid legal rule systems - also deservesinvestigation. Much of this further work could be qualitative in nature, yet statistical data would also be useful in refining our understanding of immigration and compliance behaviours. There would be real challenges in accessing or establishing that data for the reasons highlighted above, and particularly given the increasing sensitivities around immigration in Britain.

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