

LOCAL ENFORCEMENT PLAN

Local Planning and Environment Advisory Committee – 25 March 2014

Report of Chief Planning Officer

Status: For consideration

Also considered by: Cabinet 10 April 2014

Key Decision: No

Executive Summary: This report introduces a Local Enforcement Plan (see Appendix A) which is a document setting out how the Council will respond to breaches of planning control.

This report supports the all the key aims of the Community Plan

Portfolio Holder Cllr Bosley

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Recommendation to Local Planning and Environment Advisory Committee: That Cabinet is recommended to agree the Local Enforcement Plan for consultation

Recommendation to Cabinet: That the Local Enforcement Plan be agreed for consultation

Reason for recommendation: The Local Enforcement Plan provides information to customers on how the Council will deal with enforcement and the powers available so that complainants and those subject to complaints will know what to expect from the service.

Introduction and Background

- 1 The Improvement Plan for the Planning Service includes a proposal to review, revise and re-launch the 'Enforcement principles' document, last updated in 2003, as an Enforcement Handbook - a user friendly, informative, easy to read and understand guide which will explain our priorities, the options available to us and set out our service standards.
- 2 The National Planning Policy Framework (NPPF) recommends that local planning authorities 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 it is appropriate to do so (NPPF para 207).

- 3 The Government's recently published Planning Practice Guide also advocates the preparation of a Local Enforcement Plan.
- 4 The proposal in the Improvement Plan is very similar to what the Government envisages in a Local Enforcement Plan and the Improvement Plan proposal is therefore being taken forward as a Local Enforcement Plan.
- 5 Consultation is proposed on the draft plan to provide an opportunity for engagement with the local community and other stakeholders.

Structure of the Plan

- 6 The plan is structured as follows:
 1. General Introduction
 2. Key Principles of the Enforcement Service. Listing seven key principles which guide our approach
 3. Investigating Complaints. Covering what complaints will be investigated, how they will be prioritised and how investigations will be carried out.
 4. Decisions Making. Covering how decisions will be made on what action to take action following an investigation. This section makes it clear that development taking place without permission is not in itself a reason to take action and that there must be evidence of harm.
 5. Securing Compliance. Setting out the powers available to the Council and the circumstances in which they will be used.
 6. Monitoring Implementation of Planning Permissions. Covering the monitoring that is carried out when development starts.
 7. General Information. Including how we communicate with people who complain and people who are subject of complaints.

Additionally there is an appendix covering relevant legislation.

- 7 The plan does not make any substantial change to existing policies and procedures which accord with Government guidance and are constrained by legislation.
- 8 Publishing the plan and making it available to those involved in the process should raise awareness of how enforcement operates and the powers available, together with providing accessible information on the service customers can expect.

Other Options Considered and/or Rejected

There is no statutory requirement to prepare a Local Enforcement Plan and there is an option of not proceeding with the plan. However, it is considered that there are substantial benefits from adopting and publishing the plan as set out above.

Key Implications

Financial

There are no significant financial implications from publishing the plan as the limited cost of printing can be met from existing budgets. The plan does not introduce any new procedures that have additional costs. Some potential enforcement actions do have potential financial implications for the Council and these are considered before taking action.

Legal Implications

The Legal Services Manager has been consulted on the preparation of the document and comments have been incorporated.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes	Enforcement does have the potential to adversely affect certain groups including those with limited understanding of Planning, those with difficulty reading documents and those without access to IT. The EQIA for Enforcement which was updated in 2013 identifies potential adverse impact and measures to overcome them, including offering home visits, translation services and maintaining paper copies of documents.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		The Enforcement Plan should aid understanding of the service and will be made available in different formats to help those without computer access.

Conclusions

It is considered that the Local Enforcement Plan will offer benefits in aiding understanding of the service and clarity for customers in understanding what to expect from enforcement investigations. It is therefore recommended for adoption.

Appendices

Appendix A – Draft Local Enforcement Plan

Background Papers:

None

Richard Morris
Chief Planning Officer

