

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 SEPTEMBER 2024

**REPORT FOR ASSISTANT DIRECTOR OF
INCLUSIVE GROWTH AND DEVELOPMENT**

Local enforcement plan – planning guidance

SUMMARY

Following the previous committee deferral, the requested training and briefing with Members of planning committee has taken place as detailed within those discussions, the Council has a statutory duty to investigate breaches of planning control although the decision on whether to act is nevertheless discretionary.

Ensuring compliance with planning regulations is also considered to play an important role in safeguarding the policies of the Local Plan and achieving high standards of development across the Borough.

The NPPF (para 59) states that effective enforcement is important to maintain public confidence and that local planning authorities should consider publishing a local enforcement plan “to manage enforcement proactively, in a way that is appropriate to their area”.

Additionally following last year’s scrutiny review of planning (development management) & adoption of open space, the agreed action plan (point 3) sought to introduce a local enforcement plan. A draft “Local Enforcement Plan” has been developed and this has previously been shared with CMT who supported the intention to introduce and ‘adopt’ the local enforcement plan (Appendix 1).

The local enforcement plan does not have any legal status or formal adoption process, instead it is intended to provide guidance and increased transparency on the authority’s approach to how breaches of planning control will be processed with potential benefits being to help manage customer expectations and improve the overall customer experience.

RECOMMENDATION

Members are recommended to note and endorse the contents of this report.

BACKGROUND

1. Approximately 450-500 planning enforcement enquiries are received each year with a wide range in their overall nature and complexity. Currently the council does not have a local enforcement plan in place and public advice of how the council approaches planning enforcement or compliance matters are restricted to the council’s planning enforcement webpages. Subsequently there are unclear customer expectations with regards to process and no indicative timeframes for when an outcome might be expected.
2. Adoption of local enforcement plans are encouraged within the national planning policy framework (NPPF), with paragraph 59 stating;

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

3. Furthermore, the national planning guidance (NPG) sets out that the adoption of a local enforcement plan is important because it provides greater transparency, clarity and accountability about how the planning enforcement process operates within each local authority.

PURPOSE

4. The ‘adoption’ of a local enforcement plan would allow the Council to set out clear expectations on how it will approach investigations into breaches of planning control. As well as bring clarity to what planning enforcement can look into; the overall investigation process; and, the factors taken into account when deciding whether to take planning enforcement action or not.
5. A number of key waypoints for the investigation process are identified as well as a broad indication of when outcomes for the investigation process can typically be expected. To ensure that the service delivers out on the intended outcomes, a series of performance monitors are to be introduced so that effective service delivery can be monitored.
6. In order to make an effective use of resources, it will seek to introduce an appropriate priority system (emergency, high and low) based on the nature of the breach as well as highlight the level of information required to allow Officers to focus their attention on the investigation and minimise time spent gathering basic information.

IMPLEMENTATION

7. Alongside the Local Enforcement Plan and prioritisation indicators, improvements to the ‘receipt/validation’ process for planning enforcement requests are also being made. ensuring that a series of checks take place for all requests received for planning compliance/enforcement action.
8. In addition and in order to introduce an element of consistency to the prioritisation of cases, a ‘triage’ system has also been developed allocating a ‘score’ (based on a series of inputs which relate to the nature of the case) within the priority rating system (emergency, high and low) which will allow officers to ensure that most sensitive and urgent cases are investigated as a high priority and are given appropriate attention.
9. Colleagues within the business support team are also currently working on producing performance monitoring measures which will be displayed in Power Bi to create additional performance monitoring within the existing Planning Services performance dashboard.
10. It is intended to introduce the Local Enforcement Plan on the 1st November 2024, with all new planning enforcement requests being processed under the new priority, waymarking and monitoring systems identified in the new approach. Historical caseloads will continue to be progressed it is simply that they will be excluded from the new performance reporting process.

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WARD AND WARD COUNCILLORS

Ward	All wards
Ward Councillor	All Councillors

IMPLICATIONS

Financial Implications: None

Environmental Implications:

Through effective planning enforcement it is envisaged environmental standards across the borough will be improved.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

National Planning Policy Framework; National Planning Guidance; Adopted Local Plan.