

Development Control Committee – 17th November 2021

Report of the Director of Regeneration and Enterprise

Planning Enforcement – Enforcement Plan Review 2021

Purpose

1. The purpose of this report is to provide a review of the Enforcement Plan that was introduced in 2017. The report also seeks to inform Committee of the activities of the Borough's Planning Enforcement team, and to provide a brief appraisal of the enforcement teams performance across 2019/2020 and 2020/2021

Recommendations

2. It is recommended:-
 - That the information contained in the report and document (attached as Appendix 1) be noted.
 - That the minor amendments made to the enforcement plan and enforcement complaint form following the review be approved.

Background

3. The Borough's adopted Planning Enforcement Plan (2017) commits officers to report periodically on the activities and performance of the Development Management section in respect of enforcement matters.
4. The enforcement plan also commits the Section to undertake a review every two years. This forms the first review of the plan since its introduction.
5. The review has resulted in the following changes to the Enforcement Plan (appendix 2), and Enforcement Complaint Form (appendix 3):

- Enforcement complaints related to domestic properties to be moved from priority 2 to priority 3 cases.
- Remove requirement for officers to provide updates to complainants after 28 days and 56 days, and instead officers to update complainants as soon as action agreed.
- Additional guidance to be included related to the steps that will be taken prior to formal action being taken.
- Additional guidance as to how the Local Planning Authority will determine whether prosecution action is expedient.

Finance

6. There are no direct financial implications resulting from this report.

Law

7. The enforcement plan is not a statutory requirement, however, the production of one is recommended within paragraph 59 of the National Planning Policy Framework. The Enforcement Team are afforded relevant powers to enforce unauthorised development under Part V11 Sections 171-196 of the Town and Country Planning Act 1990, Part IV Sections 38-46 of the Planning (Listed Building and Conservation Areas) Act 1990 and Regulation 7 of the Town and Country Planning (Control of Advertisements England) Regulations 2007.

Risk Management

8. Officers have reviewed the Council's Risk Management Framework and do not consider that there are any material risks arising from the findings, or recommendations of this report.

Equality Impact

9. There are no equality impacts arising from the recommendations of this report.

Human Resources/Organisational Development

12. This report makes reference to the remodelling of the Planning Enforcement service following the adoption of the Enforcement Plan. It has no other implications in terms of human resources or service transformation.



Commercial/Procurement

13. It is not considered that there are any impacts upon Commercial or Procurement legislation arising from this report.

Council Priorities

14. The Council's Enforcement Plan is intended to accord with the following Council priorities:
- *'Regenerating the Borough'* – The enforcement plan sets a clear direction for when unauthorised developments will be enforced against and how. The effective functioning of the enforcement team ensures that the Council's policies and aspirations for regeneration of the Borough can be adequately managed and where unauthorised developments may conflict with this they can be adequately controlled.
 - *'Create a cleaner and greener place'*: The Council's Borough Development Strategy sets out key policies and aspirations to safeguard and promote the sustainability of the borough. Through effective enforcement the Planning Service can ensure that development within the borough complies with these policies.
 - *"support stronger and safer communities"*: The Enforcement Plan empowers residents within the borough to be self-reliant ensuring that members of the community proactively engage with the Planning Service to report unauthorised developments within their community.
17. The Council declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. The enforcement team will continue to promote compliance with sustainability objectives in existing and future planning policies.

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Appendices

Appendix 1: Enforcement Plan Review

Appendix 2: Enforcement Plan (updated)

Appendix 3: Enforcement Complaint Form