

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive
Date of Meeting:	31 January 2018
Subject:	Planning Enforcement Plan
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Rob Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

Paragraph 207 of the National Planning Policy Framework states that local planning authorities should consider publishing a Local Enforcement Plan setting 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.

During the past six months, a full review of the Council's Planning Enforcement service has been undertaken and a number of operational changes are now being, or are about to be, implemented. As part of this, a Planning Enforcement Plan has been drafted, setting out the Council's approach to delivering the service. This is a customer facing document providing clear and succinct 'plain English' information about planning enforcement, and setting out the level of service that customers can expect to receive.

The Overview and Scrutiny Committee considered the draft Planning Enforcement Plan at its meeting on 9 January 2018. The Executive Committee is asked to endorse the comments made by the Overview and Scrutiny Committee and to approve the draft Planning Enforcement Plan for public consultation.

Recommendation:

To ENDORSE the comments of the Overview and Scrutiny Committee and to APPROVE the draft Planning Enforcement Plan, attached at Appendix 2, for public consultation.

Reasons for Recommendation:

To agree the Planning Enforcement Plan for public consultation.

Resource Implications:

Resource implications are Officer time to conduct the consultation, review responses and make any amendments as appropriate.

Legal Implications:

The preparation and adoption of a Planning Enforcement Plan is not a statutory requirement, but is guidance issued by the government in the National Planning Policy Framework, considered as a material consideration in planning decisions.

Risk Management Implications:

While there is no statutory requirement to prepare a Planning Enforcement Plan it is considered good practice, and provides justification and support for enforcement decisions. These decisions often have significant implications for the subject of enforcement, or those persons or communities affected by it, and therefore are often open to considerable scrutiny. The Planning Enforcement Plan provides a framework to justify decisions made, and defend against challenges against the Council.

Performance Management Follow-up:

Subject to the approval of the Planning Enforcement Plan for public consultation, and following a review of the representations made, a final version of the Planning Enforcement Plan will be reported back to Executive with a view to adoption.

Environmental Implications:

There are no direct environmental implications of this plan, although from an operational viewpoint there will be benefits in moving from a paper based to an electronic document management system.

1.0 INTRODUCTION/BACKGROUND

- 1.1** In May 2017 a newly created Senior Planning and Enforcement Officer post was recruited, to provide additional support to the Planning Enforcement team, beginning with a review of the Council's Planning Enforcement service.
- 1.2** The Planning Enforcement service tends to pick up the position at the end of the development process when expectations can be high, and sometimes achieving desirable outcomes very difficult.
- 1.3** A number of areas for improvement or refinement have been identified, which can be summed up follows:
1. The need for a structured framework within which all decisions are made.
 2. Greater use of accessible IT to enable interested parties to find out more about the service or individual cases.
 3. Need for greater reporting and publicity for the work (and achievements) of the service.
 4. Better record keeping.
 5. Better and more use of formal and legal powers available.
 6. Additional support for Enforcement Officers to achieve all of the above the above.

2.0 DRAFT PLANNING ENFORCEMENT PLAN

2.1 The issues identified have, or are being, addressed by a number of operational changes to the service, which are principally identified within a protocol drawn up by, and for, Planning Enforcement Officers. This acts as a day-to-day procedural manual.

2.2 Where the service relates to the team's interaction with complainants, those the subject of complaints, or other interested parties, these are set out in the draft Planning Enforcement Plan. As well as being the team's service standard document, the Planning Enforcement Plan also sets out in 'plain English' to the general public the role others can play in helping the team fulfil its service promises.

2.3 The Overview and Scrutiny Committee considered the draft Planning Enforcement Plan at its meeting on 9 January 2018. A number of comments were made during the debate; a summary of those comments and the Officer response is attached at Appendix 1 and Appendix 2 incorporates the changes made as a result. The Executive Committee is asked to endorse the comments made by the Overview and Scrutiny Committee and to approve the draft Planning Enforcement Plan for public consultation.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Following Executive Committee the draft Planning Enforcement Plan will be published for a six week consultation. It will be placed on the Council's planning webpages, publicised through local media, and sent to Parish Councils for consideration. Following the consultation period, a response consultation report will be produced and any appropriate amendments made to the plan. The final draft of the plan will then be reported to the Executive Committee and Council.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Planning Enforcement Protocol.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 National Planning Policy Framework – Paragraph 207.
National Planning Practice Guidance.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Resource implication on Officer time to conduct the consultation, review responses and make amendments as appropriate.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 There are no direct environmental implications of this plan, although from an operational viewpoint there will be benefits in moving from a paper-based to an electronic document management system.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health

And Safety)

- 9.1** The provisions of the Plan promote better value for money by remodelling the service to one that is more responsive, focused and operationally efficient. This also better defends the Council against cost awards by providing a demonstrable justification for its decisions.
- 9.2** The Plan identifies a commitment to open government, treating all fairly, and making its decisions transparent and accessible through improvements in the use of IT, and better reporting of the work of the service.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 10.1** None.

Background Papers: None.

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Appendices:

- 1 – Overview and Scrutiny Committee comments and Officer response.
- 2 - Draft Planning Enforcement Plan incorporating the comments made by Overview and Scrutiny Committee.