

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	11 July 2018
Subject:	Planning Enforcement Plan
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

Executive Summary:

Paragraph 207 of the National Planning Policy Framework (NPPF) 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 nine 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 and consulted on 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.

This document is attached as an appendix to this report.

Recommendation:

To APPROVE the Planning Enforcement Plan.

Reasons for Recommendation:

To ensure the Planning Enforcement Plan is adopted for use.

Resource Implications:

The Plan will be implemented within existing resources. Resource implications to progress to this point have been officer time to conduct the consultation, review responses and making 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 NPPF, 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:

Following adoption of the final version of the Planning Enforcement Plan it will be reported on a regular basis as appropriate.

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. This can be in terms of what has been built not being consistent with the Planning Permission or unauthorised development which has been undertaken without the necessary permission.
- 1.3** A number of areas for improvement or refinement were identified during this process, 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.
- 1.4** These issues have, or are being, addressed by a number of operational changes to the service which are principally identified within a Plan drawn up by, and for, Planning Enforcement Officers.

1.5 The plan also sets out the process in relation to the team's interaction with complainants, those the subject of complaints, or other interested parties. 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.

2.0 CONSULTATION

2.1 The draft Planning Enforcement Plan was approved for consultation by the Council's Executive Committee on 31 January 2018, subject to a number of alterations to the Plan, which were subsequently made.

2.2 The draft Plan was then posted to the Council's website, and a paper copy made available for inspection. The Planning Enforcement team has worked closely with the Council's Communications team to publicise the draft Plan to a wide audience. The Council issued a press release to all local media contacts, as well as posting the article to the Council's website, promoting on social media websites, and sending to the Council's Citizen Panel. In addition, it was sent to all Parishes, Members, and all those Officers within the Council and external agencies who work with, or have an interest in, the enforcement of planning regulations.

2.3 The consultation period ran for four weeks up to the closing date of Monday 16 April 2018. 21 responses were been received, 13 from members of the public, seven from Parish Councils and one from a partner organisation. All those making representations have received a personal response, thanking them for their consideration, and updating them on next steps.

2.4 The Plan, its purpose and aims, appear to be widely welcomed albeit with further explanation, changes or additions suggested. In terms of its format, there appear to be divergent views regarding the document being an easily understandable, referenced and plain English document to one where it is regarded as being difficult to read. The remaining comments may be summarised as follows:

- Brief explanation of County Council planning enforcement role should be provided in section 2, to signpost people to the correct authority.
- Concern regarding availability of resources to fully implement this Plan.
- Concerns that the Council's discretion over taking enforcement action (expediency) makes it too easy to take no action.
- Need to enforce building regulations breaches.
- More transparency and reporting of enforcement decisions.

2.5 In response to the comments received, changes have been made to the Plan, and an Executive Summary has been produced to provide a short explanation to those preferring brevity. An updated copy of both has been posted on the Council's planning webpages. An 'all Member' seminar explaining these changes was held in June prior to the Plan being finalised and presented to the Executive for approval.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

3.1 Planning Enforcement Plan.

4.0 RELEVANT GOVERNMENT POLICIES

- 4.1 National Planning Policy Framework – Paragraph 207.
National Planning Practice Guidance.

5.0 RESOURCE IMPLICATIONS (Human/Property)

- 5.1 Resource implication on officer time to conduct the consultation, review responses and make an amendments as appropriate and implement the Plan.

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

- 6.1 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.

7.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 7.1 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.
- 7.2 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.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 8.1 None.

Background Papers: None.

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Appendices: 1 – Planning Enforcement Plan.