

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY 5 FEBRUARY 2019

Title of report	ENFORCEMENT POLICY – PLANNING ENFORCEMENT
Key Decision	a) Financial No b) Community Yes
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Purpose of report	Cabinet to approve the Planning Enforcement Policy
Reason for Decision	To ensure that a clear and specific enforcement process is followed in planning enforcement
Council Priorities	Value for Money Business and Jobs Homes and Communities
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	None
Equalities Impact Screening	None
Human Rights	None
Transformational Government	N/A
Comments of Head of Paid Service	Report is satisfactory

Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Development Management, Planning Policy, Building Control and Legal Public consultation completed in September 2018
Background papers	National Planning Policy Framework (NPPF) Enforcement Concordat (1998) Planning Advisory Service (PAS) a 'Stitch in Time' (2008) NWLDC General Enforcement Policy (2014) approved by Cabinet
Recommendations	<p>IT IS RECOMMENDED THAT CABINET:</p> <ol style="list-style-type: none"> 1. APPROVE THE PLANNING ENFORCEMENT POLICY WHICH IS READ IN CONJUNCTION WITH THE GENERAL ENFORCEMENT POLICY 2015 2. DELEGATE ALL FUTURE CHANGES TO THE POLICY TO THE STRATEGIC DIRECTOR - PLACE

1.0 BACKGROUND

- 1.1 Planning Enforcement at North West Leicestershire District Council previously underwent a peer review and the team has been building on the recommendations highlighted in the review. The main findings were:
- Additional specialist planning enforcement resources required within the team
 - The need for a specific Planning Enforcement Policy
 - Proactive compliance monitoring of larger developments
- 1.2 It was recognised that proactive compliance monitoring of larger developments needed to be focused on, in the first instance, as a significant proportion of contentious and complex complaints were generated from large developments. Ensuring that the team were onsite early to monitor the development and deal with problems as they arise is more cost effective and better for the customer, than taking formal action after a development is completed and the properties are occupied.
- 1.3 The team have successfully recruited to the role of Compliance Officer. The Officer has been meeting with all our larger developers to promote the role and provide valuable direct links for the developers and explained what is expected of them, also we have received feedback from the developers relating to issues that they experience.
- 1.4 Since the review there has been changes in the planning fee structure and this has enabled the team to increase resources in terms of an additional planning enforcement officer.

- 1.5 The next stage of implementation of the recommendations was to introduce a specific planning enforcement policy.
- 1.6 The planning system operates to regulate the development and use of land in the public interest. The effective and proper enforcement of planning controls is essential to protect the local environment and interests of residents, visitors and businesses of the District from the harmful effects of unauthorised works.
- 1.7 The need for effective enforcement is very important as it helps to:-
 - Tackle breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area
 - Maintain the integrity of the decision-making process
 - Supports the Council to make robust decisions and to take formal enforcement action within the confines of the legal process

The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches by statutory and other means.

- 1.8 Breaches of planning control are investigated and it is our policy to exercise these powers appropriately and proportionately so that development takes place in accordance with the appropriate legislation or conditions and limitations imposed on any planning permission.
- 1.9 The National Planning Policy Framework (NPPF) (Para 58) identifies that local planning authorities should consider publishing a local enforcement policy to manage enforcement effectively and proactively. This is endorsed by the Royal Town Planning Institute and The Planning Advisory Service.
- 1.10 Currently the planning enforcement team are following the Council's generic enforcement policy but it is felt more appropriate to adopt a service specific enforcement policy in line with the NPPF. However, since the Planning Enforcement function sits within the Environmental Protection Team it is important that the Planning Enforcement Policy is read in conjunction with the Council's General Enforcement Policy as a number of enforcement powers and options in the General Policy equally apply to Planning Enforcement.
- 1.11 It is considered that having an adopted planning enforcement policy would assist in the delivery of an 'enforcement process/function' that remains faithful to the delivery of what development has been permitted, should also assist in securing a culture of compliance and help to maintain the integrity of the planning system.

2.0 PURPOSE

2.1 Government 'Planning Practice Guidance'

Advice from Central Government on planning enforcement is set out primarily in the 'Planning Practice Guidance' (PPG) 'Ensuring Effective Enforcement' that came into effect on 1 March 2014 updated 22 February 2018. It emphasises the importance for local planning authorities to prepare and adopt local enforcement policies and plans because they:-

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances

- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers
- provides greater certainty for all parties engaged in the development process

2.2 The PPG also states:

'Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have an unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process; and
- help ensure that public acceptance of the decision-making process is maintained'

3.0 CONTENT OF POLICY

- Sets a framework for how the Planning Enforcement Team will manage the complaints it receives and any subsequent investigations into breaches of planning control
- Sets out the aims of the Planning Enforcement Team, the background to Planning Enforcement and the scope of enforcement powers
- Sets our priorities for responses to complaints and formalise how our customers will be kept up to date in relation to the work being carried out by the Planning Enforcement Team
- Details the use of the harm prioritisation system

The enforcement policy is attached at Appendix 1.

4.0 RECOMMENDATION

- 4.1 To approve the adoption of the planning enforcement policy which is read in conjunction with the General Enforcement Policy 2014 which is attached at Appendix 2.