

Committee: Development Control

Agenda Item

Date: 6 April 2011

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Title: Planning Enforcement Strategy

Author: Andrew Taylor, Divisional Head of Planning and Building Control ex 657 Item for decision

Summary

1. The draft Planning Enforcement Strategy has been prepared by officers from Enforcement, Legal and Planning and has been adapted taking into account comments from Councillors in a recent planning workshop.
2. The document sets out the background to planning enforcement, the enforcement tools available to the Council, the procedure by which the Council will consider action, the priorities the Council will give to different breaches of planning control, and the potential outcomes for breaching planning control.

Recommendations

3. That a six week consultation process on the Planning Enforcement Strategy be undertaken to invite comments on the document from Town and Parish Councils.
4. At the close of the consultation a report setting out comments on the Planning Enforcement Strategy will be prepared, together with any suggested changes to the Strategy. This will be subject to Member approval and adoption.

Financial Implications

5. None. There are no costs associated with the recommendations.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Planning Policy Guidance Note 18: Enforcing Planning Control. D.O.E. December 1991.
 - D.O.E. Circular 10/97: Enforcing Planning Control.
 - Enforcing Planning Control: Good Practice Guide for Local Planning Authorities. D.O.E. 1997.
 - Best Practice Guidance – Section 215 Notices. ODPM January 2005.
 - ODPM Circular 02/2005 – Temporary Stop Notice March 2005.
 - ODPM Circular 06/2005 – Biodiversity and Geological Conservation August 2005.
 - Best Practice Guidance – Listed Building Prosecutions. Department for Communities and Local Government December 2006.

- Uttlesford District Council Local Plan/Local Development Framework.
- All other saved Supplementary Planning Guidance.

Impact

7.

Communication/Consultation	This report asks for authority to undertake consultation.
Community Safety	Enhances social cohesion by reducing breaches of planning enforcement.
Equalities	The Planning Enforcement Strategy would affect everyone equally.
Health and Safety	No issues
Human Rights/Legal Implications	The Planning Enforcement Strategy would affect everyone equally. Human Rights are considered prior to any enforcement action.
Sustainability	Provides a robust methodology for planning enforcement.
Ward-specific impacts	Covers whole District.
Workforce/Workplace	Will impact on Enforcement, Planning and Legal staff.

Situation

8. Planning enforcement is a high profile part of the Councils activity. As with general planning it is very emotive and very personal. It is therefore important for the Council to have a clear and robust strategy for handing planning enforcement complaints.
9. The draft strategy sets out the background to planning enforcement, the enforcement tools available to the Council, the procedure by which the Council will consider action, the priorities the Council will give to different breaches of planning control, and the potential outcomes for breaching planning control.
10. This clear strategy will aid members of the public understand the role of planning enforcement, understand some of the limitations and understand that the Council must take a proportionate approach to dealing with complaints. It is important to remember that planning enforcement is not about punishing those who have carried out unauthorised work; rather it is there to rectify any harm caused. Planning enforcement is discretionary and therefore in some circumstances the Council decides that it is not expedient to take further action.

11. In all cases having a robust strategy to follow means that the Council clearly sets out its priorities which making it clear that these are based on available resources and harm caused.
12. To ensure that the Council gains the widest possible buy in to the strategy it is important to consult the Town and Parish Councils for their views. This report seeks authorisation to initiate a 6-week consultation.
13. At the close of the consultation a report setting out comments on the Planning Enforcement Strategy will be prepared, together with any suggested changes to the Strategy. This will be subject to Member approval and adoption.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
None			

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.