

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28TH MARCH 2011

ADOPTION OF THE PLANNING ENFORCEMENT POLICY

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 In the move towards shared services with Redditch Borough Council, and in order to provide a consistent and uniformed approach between the two local authorities, and in the absence of an adopted customer charter for planning enforcement the Council seeks to adopt the Planning Enforcement Policy outlined in Appendix 1.

2. RECOMMENDATION

- 2.1 That Members of the Planning Committee RECOMMEND to the Council that the Planning Enforcement Policy is adopted.

3. BACKGROUND

- 3.1 Unacceptable and unlawful forms of development threaten the quality of the natural and built environment and the integrity of the planning system. Planning enforcement is, therefore, a crucial tool in maintaining the standards and regulations of development.
- 3.2 The Planning Enforcement Policy is a statement that outlines the Council's approach to enforcement matters; this includes identifying, investigating and monitoring breaches of planning control and delivering action to regularise and remediate unacceptable and unlawful forms of development. It also outlines the situations in which injunction, prosecution or exceptionally, direct action may be pursued.
- 3.3 The document sets out the practices and actions to be taken by the Council when an alleged breach is identified as well as setting out an approach for internal cross team working. This makes the enforcement process transparent to all service users as well as providing improved levels of information for our customers.
- 3.4 The Planning Enforcement Policy covers the following matters:
- Breaches of planning control – what constitutes a breach and a criminal offence

- Aims of enforcement policy and purpose of planning enforcement
- Investigating alleged breaches of planning control
- Informal enforcement procedures, including negotiation, persuasion and retrospective planning applications
- Formal enforcement procedures
- Procedures following enforcement action
- The Council's commitment to complainants including expectations and service standards
- Contact details

3.5 Although Bromsgrove District Council and Redditch Borough Council work towards the same principles and guidelines for planning enforcement and are governed by the same legislation, at present they do not possess a unified enforcement policy. As the two Councils continue to develop their working relationships there is a need to develop a consistency of process across the Councils to improve customer understanding and to create a coherent system.

4. **KEY ISSUES**

- 4.1 To develop a consistent and uniformed system of planning enforcement across the service.
- 4.2 To make transparent and understandable to the general public the nature of planning breaches and the enforcement process.
- 4.3 To bring unauthorised activity under control to ensure the credibility of the planning system is not undermined.
- 4.4 To remedy and prevent unauthorised activity to protect the natural and built environment.
- 4.5 To promote lawful and acceptable forms of development and, where necessary, planning permission.

5. **FINANCIAL IMPLICATIONS**

- 5.1 None identified.

6. **LEGAL IMPLICATIONS**

- 6.1 The main powers available to the Council in relation to planning enforcement are set out in the Town and Country Planning Act 1990 (as

amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990. All action taken under the new Planning Enforcement Policy as a result of this procedure would be in compliance with the relevant legislation and associated good practice guidance.

7. POLICY IMPLICATIONS

7.1 The adoption of this policy would have no perceived negative impacts on the enforcement process itself, or the systems that are currently used.

7.2 Some minor changes to current working practices resulting in a more aligned and consistent approach both within and across the Councils would be required. The use of the policy will provide clarity to customers as to how the council will treat enforcement matters and so will improve customer service and quality. The Policy will be reviewed and monitored by Officers to ensure that it continues to provide a thorough, clear and coherent statement.

8. COUNCIL OBJECTIVES

8.1 The adoption of a policy to set out the Council's approach to Enforcement matters will have an impact on many of the Council's objectives, most notably Environment, Regeneration and Improvement objectives.

9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

9.1 None identified beyond current working practices.

10. CUSTOMER IMPLICATIONS

10.1 It is intended that the adoption of a planning enforcement policy will improve consistency and uniformity across the Councils making development and enforcement process more transparent.

10.2 The Planning Enforcement Policy will improve customer understanding of the nature of planning breaches and the process of enforcement, as well as the process for reporting an alleged breach for complainants and the process for investigating an alleged breach for contraveners.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None identified.

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 The adoption of the Policy by Bromsgrove District Council is unlikely to have any material effects on value for money, procurement or asset management. However, the principle of shared services between Bromsgrove District Council and Redditch Borough Council which supports the decision to deliver one Planning Enforcement Policy for both Councils is based, serves to develop value for money and best practices.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 It is intended that the adoption of a joint planning enforcement policy will have only positive effects on the environment through clarifying the nature of planning breaches, thereby reducing the number of unlawful or unacceptable developments that may negatively impact on the natural and built environment and increasing the speed and effectiveness of rectifying breaches.

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 None identified.

15. GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 The policy sets out a clear framework against which decisions relating to enforcement matters can be made and this will inform and support Members when carrying out that role.
- 15.2 Performance management of the enforcement team would be improved as a result of the adoption of the policy. It provides timescales for complainants as well as setting out the councils approach to enforcement with respect to informal and formal approaches. This will ensure proportionate action is taken in a timely manner.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 16.1 The Planning Enforcement Policy will help to ensure that community safety is maximised by promoting lawful and acceptable developments and preventing, or remediating, unlawful and dangerous developments or uses which have a negative impact on the District.

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17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 None identified.

18. **LESSONS LEARNT**

18.1 None identified as this would introduce a new framework, but this should be kept under regular review and amendment as appropriate.

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 It is common place for Councils to have an enforcement policy or charter to set out to their customers their approach to planning enforcement. The Council has not carried out any specific consultation on this document; it does however reflect the policy in use at Redditch Borough Council and will therefore be familiar to some of our customers.

20. **OTHERS CONSULTED ON THE REPORT**

20.1	Portfolio Holder	Yes
	Chief Executive	Yes at CMT
	Executive Director (S.151 Officer)	Yes at CMT
	Executive Director - Leisure, Cultural, Environmental and Community Services	Yes at CMT
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	Yes at CMT
	Director of Policy, Performance and Partnerships	Yes at CMT
	Head of Planning and Regeneration Services	Yes
	Head of Resources	Yes at CMT
	Head of Legal, Equalities and Democratic Services	Yes at CMT

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	Corporate Procurement Team	Yes at CMT
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21. **WARDS AFFECTED**

21.1 All wards.

22. **APPENDICES**

22.1 Appendix 1 – Planning Enforcement Policy.

23. **BACKGROUND PAPERS**

23.1 None.

AUTHOR OF REPORT

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