

Overview & Scrutiny Board 2022

21st November

Briefing Note on Planning Enforcement

Relevant Portfolio Holder	Councillor Phil Thomas
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford
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Wards Affected	ALL
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

That the Board note the information included in the report.

2. BACKGROUND

- 2.1 Following a discussion around enforcement the question of how enforceable Planning conditions were and how many enforcement processes result in prosecutions. This briefing note has been compiled to update the Overview & Scrutiny Committee on the planning enforcement work undertaken by the Council.
- 2.2 Planning Enforcement is a discretionary service which supports the wider development control process in ensuring appropriate development is encouraged and policies are adhered to.

3. Planning Enforcement Update

- 3.1 Planning Officers, whilst following technical advice from consultees, will only apply conditions in compliance with the Town & Country Planning Act and associated guidance which includes applicability for potential control (enforcement).
- 3.2 The aim of any enforcement action is to encourage compliance with the policies of the Council and seeks regularisation of the development if deemed acceptable. Any measure of enforcement action must recognise that the most desired outcome is compliance within an acceptable timeframe. Thus, whilst the table below provides a summary of the main enforcement actions the key element is the

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number of enforcement actions relative to the number of cases closed during the period.

	2021-22	2022-23 (First 6 months)	1 Oct-10 Nov 2022
Planning Enforcement Cases in BDC	268	84	26
Warning letters (Final informal stage)	n/a	5	4
Enforcement Notices (including Stop Notices)	2	3	6 (with an additional 5 being prepared)
Prosecution or injunctions	0	0	1

- 3.3 Travel and access restrictions during 2020 and 2021 together with staff sickness and recruitment issues have caused some difficulties with the delivery of many services, including planning enforcement. However, since March 2022, WRS colleagues who have a background in enforcement activities have assisted their planning colleagues with the investigation of alleged planning breaches. This has assisted in a reduced timeframe for most elements of the enforcement process and timely enforcement actions being taken.
- 3.4 In November Tracie Carter of land at Aqueduct Lane was found guilty of failing to comply with an Enforcement Notice leading the judge to sentence Ms Carter with a fine of £160,000, Costs of £7,258 and a victim surcharge of £170.

BROMSGROVE DISTRICT COUNCIL

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4. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder:	N/A	
Lead Director / Head of Service	N/A	