

# **PLANNING ENFORCEMENT PROGRESS REPORT**

## **1 SUMMARY**

- 1.1 This report presents information on the scope of activity undertaken in the Enforcement of Planning Control from the period January 1995 to date.

## **2 BACKGROUND**

### **Context**

- 2.1 As the Local Planning Authority (LPA) we have discretion to take enforcement action when we regard it to be expedient to do so in the public interest. In Planning Policy Guidance note 18: Enforcing Planning Control, the Government sets out the view that the integrity of the development control process:

- Depends on the readiness of LPAs to take effective enforcement action when it is essential, and
- Public acceptance is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the LPA to intervene before serious harm to amenity results from it.

### **Staffing**

- 2.2 At present we have 3 members of staff within the Enforcement section. 2 Full time Officers and 1 part time support officer

- Senior Enforcement Officer (John Hardy)
- Enforcement Officer (Ann Dunford)
- Enforcement Support Officer (Rebecca Staddon)

- 2.3 Planning enforcement is a technically complex component of the development control regime. To be effective it requires cooperation between people with experience in a range of disciplines. In particular we work closely with:

- Solicitors
- Area Planning Managers
- Development Control Officers
- Conservation Officer
- Ward Councillors
- Parish Councils

### **Overview of Activity**

- 2.4 We investigate potential breaches of planning control and take steps to resolve breaches, which are identified. We also check compliance with Planning Conditions and now under the new Government regulations, which came into force on 1st April 2008, collect fees payable for the discharge of Planning Conditions. This also involves Rebecca in receiving details of the conditions and liaising with Planning Officers together with other statutory consultees and finally discharging those conditions.

## BREAKDOWN OF COMPLAINTS RECIEVED AND RESOLVED (JAN – DEC per year)

Year	Complaints Received	Complaints Outstanding
1995	512	0
1996	443	1
1997	388	0
1998	308	0
1999	317	0
2000	340	0
2001	343	1
2002	330	1
2003	456	4
2004	454	13
2005	386	31
2006	427	65
2007	379	88
2008	303 as at 5/11/08	154

2.6 As can be seen by the above table it can take a considerable time to resolve some of the more complex cases. An additional delay can occur when the applicant submits an appeal against either the Refusal of Planning permission or the Enforcement Notice.

2.7 This is of course only one aspect of Planning Enforcement. Set out below is a table indicating the number of Notices that have been served and the number of Planning Applications received following investigations.

These figures are taken over the last 5-year period starting from April 2003

Year	Complaints Investigated	Enforcement Notices served	Stop Notices	Planning Contravention Notices	Breach of Condition Notices	Injunctions	Planning Applications received
2003/2004	401	9	-	7	2	-	128
2004/2005	462	10	3	12	4	-	116
2005/2006	376	7	1	-	2	-	96
2006/2007	420	13	-	2	5	1	90
2007/2008	370	31	3	2	9	-	178
2008/2009	184	2	1	-	3		62

2.8 The only records available in respect of the discharge of conditions are the number of letters sent out to each applicant reminding them that they need to submit details. This is set out below and is from 1<sup>st</sup> April 2008.

April	2008	259
May	2008	159
June	2008	217
July	2008	227
August	2008	132
September	2008 (to date)	233

## **Our Approach**

2.9 In carrying out investigations and enforcement we:

- Acknowledge the complaint, investigate the current facts, including a site inspection and check the planning history.
- Provide advice and attempt to resolve the matter by negotiation or by submission of a retrospective planning application where appropriate.
- Ensure that action is commensurate with the breach of control to which it relates.
- Seek to keep interested parties informed.

## **Procedures**

2.10 We have reviewed and improved procedures where necessary:

- Enforcement is included within the new Plantec computer system shortly to be implemented.
- Case records will be improved, cases are regularly reviewed and digital photography utilised within the new system.
- Weekly reports of complaints received are made to the Development Manager and Area Planning Managers.
- All authorised enforcement cases are discussed at a six weekly meeting with The Development Manager, Area Planning Managers, Solicitors and Enforcement Officers.
- It is intended that Members will be updated at Planning Committee on a six monthly basis on the progress of Enforcement matters.

## **Monitoring Development**

2.11.1 The traditional approach to planning enforcement is to confine activity to mainly responding to complaints received. We have moved from this reactive approach to one of pro action. An example of this is that we contact each applicant following the issuing of a planning approval. An initial letter is sent to the applicant and requests information on the anticipated start date of the development. A further letter is sent following receipt of that information reminding the applicant that all pre commencement conditions must be discharged. This has resulted in approved developments being undertaken in full compliance with the approval. Closer links with Building Control have also assisted in the monitoring of developments whilst under way.

We also contact all applicants with temporary planning permissions prior to the permissions expiring. This is a time consuming exercise and has an affect on the already stretched resources of the Support Officer

## **Illegal Advertisements**

2.12 Although certain advertisements can be displayed without the need for an application, other advertisements can be controlled in the interests of amenity and public safety. This is a large area of work. However, we have secured the removal of many illegal advertisements without the need to refer the matter to the Magistrates Court. This has lead to many Advertisers seeking our advice before displaying an advertisement and due to our robust approach has put many would be contraveners off from displaying an unauthorised advertisement.

### **3 POLICY CONTEXT**

- 3.1 In February 2003 the Authority adopted an Enforcement Policy. This sets out target response times for dealing with complaints etc. An on line complaints form is also available which has proved successful. It is intended to make available copies of all Enforcement Notices served on line

### **4 RECOMMENDATION**

- 4.1 **That members note this report**

Contact Officer

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