
Meeting: Executive
Date: 10 November 2009
Subject: Planning Enforcement Policy
Report of: Cllr Tom Nicols , Portfolio Holder for Sustainable Development
Summary: The report proposes approval of the policy that sets out the principles within which the Planning Enforcement and Appeals Team will use the planning enforcement function of the Council.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Sue Cawthra, Planning Enforcement and Appeals Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
**Reason for urgency/
exemption from call-in
(if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

Central Bedfordshire Council Strategic Plan 2009-11

Priority 3 – Managing growth effectively

With the pressure for development, the Policy aims to balance the need to protect the environment from the harmful effects of unauthorised uses and development while promoting growth.

To enhance the environment the Policy seeks to take a pro-active approach where resources allow, using enforcement powers to co-ordinate environmental improvement.

Financial:

Taking formal planning enforcement action incurs financial costs for legal expenses and court costs, for which there is an existing budget. Exceptional cases may require additional funding.

Legal:

Enforcement action is a discretionary power, but where expedient to take formal action this is subject to prior consultation with the Council's lawyers in Corporate Resources and in accordance with relevant legislation and statutory guidance.

Risk Management:

The Policy will be implemented in accordance with the Council's policies on risk management.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

Human Rights are taken into account during the planning enforcement process. An initial policy impact assessment for equality and diversity was undertaken for the MidBeds planning enforcement policy which forms the basis for the Central Bedfordshire Policy.

Community Safety:

The Policy will be implemented in accordance with the Council's policies on community safety under Section 17 of the Crime and Disorder Act 1998.

Sustainability:

Positive implications for the environment are that planning enforcement is part of the Council's Development Management service to promote quality buildings and environment in accordance with Government policies and the Council's development plan strategies.

RECOMMENDATION(S):

That the Executive agrees the adoption of the proposed Planning Enforcement Policy as set out at Appendix A.

Reason for Recommendation(s): To enable the Council to adopt a Planning Enforcement Policy which is line with recommendations in the Government's "Enforcing Planning Control: Good Practice Guide for Local Authorities", the Department of Communities and Local Government's "Review of Planning Enforcement" in 2006, and advice given by the Planning Advisory Service's "Managing planning enforcement" in 2008.

1. The Central Bedfordshire Policy takes guidance from the Government's Good Practice Guide for Local Planning Authorities and from the Planning Advisory Service in providing a clear statement of planning enforcement procedures and practice, and how this is part of the Council's Development Management service.

2. The Policy explains breaches of planning control and the procedure for investigating these breaches, notifying parties and prioritising action. It also explains what enforcement action can be taken, and that the Council will try to resolve problems through negotiation wherever possible, but will use powers of formal enforcement action when all else fails and it is expedient to do so.
3. The Central Bedfordshire policy carries forward the Mid Beds policy for increased notification to Ward Members of relevant breaches of planning control.
4. In addition to responding to complaints of alleged breaches of planning control, the Central Bedfordshire Policy advocates a pro-active approach and to use enforcement powers as part of co-ordinating environmental improvements within available resources.

Appendices:

Appendix A – Planning Enforcement Policy

Background Papers:

Enforcing Planning Control: Good Practice Guide for Local Authorities

Review of Planning Enforcement

PAS – Managing planning enforcement

Location of papers: Priory House, Chicksands