
Meeting: Executive
Date: 14 January 2014
Subject: Planning Enforcement Plan
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: The report proposes approval of the Planning Enforcement Plan that sets out the principles within which the Planning Enforcement Team will use the planning enforcement function of the Council.

Advising Officer: Trevor Saunders, Assistant Director of Planning
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:

The Planning Enforcement Plan will support the following Council priorities:

- Enhancing Central Bedfordshire – by balancing the need to protect the environment from the harmful effects of unauthorised development while promoting growth. To enhance the environment the Plan seeks to take a proactive approach where resources allow, using enforcement powers to co-ordinate environmental improvement.
- Great universal services – providing an effective planning enforcement service in line with the Planning Enforcement Plan will help maintain public confidence in the Council and its intent to respond effectively when investigating and actioning breaches of planning control.

Financial:

1. 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:

2. Enforcement action is a discretionary power, but where expedient to take formal action, this is subject to prior consultation with the Council's Lawyer. The Planning Enforcement Plan sets out how the Council will provide the planning enforcement service in accordance with the requirements of the Town and Country Planning Act and other Government Regulations.

Risk Management:

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

Staffing (including Trades Unions):

4. Not applicable.

Equalities/Human Rights:

5. The Council must act within the principles of the Human Rights Act 1998 and The Equality Act 2010 and ensure that unlawful discrimination is eliminated, and that all enforcement action is taken in a fair and consistent manner. As part of the development of the plan, consideration has been given to the need to ensure that processes and procedures are accessible, appropriate and proportionate in respect of the needs of all sections of the community. Human Rights and Equality issues are taken into account where required during the various aspects of the planning enforcement process.

Public Health:

6. Resolving breaches of planning control and using enforcement powers to co-ordinate environmental improvement will help reduce the potential for adverse health impacts as a result of unauthorised development.

Community Safety:

7. The Enforcement Plan will be implemented in accordance with the Council's policies on community safety under Section 17 of the Crime and Disorder Act 1998. Given that enforcement action has the potential to exacerbate neighbour disputes; it remains a matter of policy and practice that all complainants' details are kept confidential.

Sustainability:

8. 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.

Procurement:

9. Not applicable.

Overview and Scrutiny:

10. This matter has been considered by Sustainable Communities Overview and Scrutiny Committee on 5 September 2013. Following comments and recommendations the Plan has been amended at the following:

Paragraph 3.2 – Ward, Parish and Town Council notification of breaches of planning control.

Paragraph 4.2 – site visit timescales, and reference to Green Belt high priority cases.

Flow Chart 1 revised.

RECOMMENDATION:

The Executive is asked to:

- 1. adopt the Planning Enforcement Plan as set out at Appendix A.**

<i>Reason for Recommendation:</i>	<i>To enable the Council to adopt the Planning Enforcement Plan which is in line with recommendations in the National Planning Policy Framework.</i>
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Executive Summary

11. The Planning Enforcement Plan is a revision of the Central Bedfordshire Planning Enforcement Policy that was adopted by the Council on 10 November 2009. The revised Plan has been drafted to take account of guidance from the National Planning Policy Framework (NPPF), introduced in March 2012 and changes in legislation. The NPPF states in paragraph 207:
12. “Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”
13. The revised Planning Enforcement Plan 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.

14. The Central Bedfordshire Planning Enforcement Plan carries forward the Mid Beds Policy and the Central Bedfordshire Policy. The key changes put forward by the revised Plan are as follows:
- Guidance from the National Planning Policy Framework as detailed in paragraph 12.
 - Human Rights and Equality Act considerations to ensure that unlawful discrimination is eliminated as explained in paragraph 1.3 of the Planning Enforcement Plan.
 - Pro-active action for untidy land, advertisements and compliance with Conditions, see paragraph 1.3 of the Planning Enforcement Plan, paragraph 6.14 for Section 215 action for untidy land, section 7 for condition monitoring, and paragraph 8.3 for advertisements.
 - Updates and new powers introduced by new planning legislation including the Localism Act, including increased powers for action on advertisements (paragraph 8.3) and concealed development (serving planning enforcement orders - paragraph 6.13), and for serving Temporary Stop Notices on caravans used as main residences (paragraphs 6.15 and 6.16 and Appendix 1 of the Planning Enforcement Plan).
 - Increased notification to interested parties including when an appeal is submitted and a Notice is complied with as shown on flow charts 1, 2 and 3.
 - Explanation of the planning enforcement process, the formal action process, and serving an Enforcement Notice on flow charts and enforcement notice case study.
 - Inclusion of the DCLG paper – “Dealing with illegal and unauthorised encampments” at Appendix 1 of the Planning Enforcement Plan. This is a summary of powers available to the Local Authority and the Police.
15. In addition to responding to complaints of alleged breaches of planning control, the Central Bedfordshire Plan 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 Plan including DCLG Dealing with unauthorised encampments

Background papers and their location: (open to public inspection)

National Planning Policy Framework

Location of papers: Priory House, Chicksands