

## PLANNING COMMITTEE

Thursday 21 February 2019

### LOCAL PLANNING ENFORCEMENT PLAN (PC 07/19)

#### EXECUTIVE SUMMARY

1. This report is written and presented to Members for formal adoption of the Council's new Local Planning Enforcement Plan.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	All
<b>Cabinet Member:</b>	Cllr Tony Fryatt Cabinet Member for Planning
<b>Supporting Officer:</b>	Cate Buck Senior Planning and Enforcement Officer Telephone: 01394 444290 Email: <a href="mailto:cate.buck@eastsoffolk.gov.uk">cate.buck@eastsoffolk.gov.uk</a>

## **1. INTRODUCTION**

- 1.1 To provide Councillors with a copy of the new Local Planning Enforcement Plan and highlight the information and legislation available to members of the public on enforcement service functions at the Council.

## **2. BACKGROUND**

- 2.1 In order to be prepared for the new East Suffolk Council on 1<sup>st</sup> April 2019 the Council is required to ratify all its existing policies.

- 2.3 The following legislation applies:-

The East Suffolk (Local Government Changes) Order 2018

Statutory Instrument 2018 No. 640

This is known as the Changes Order. Creation of East Suffolk Council, abolishment of SCDC and WDC, creation of Shadow Authority.

The Local Government (Boundary Changes) Regulations 2018

Statutory Instrument 2018 No. 1128

This is known as the Consequential Order and is a generic order transferring functions from predecessor councils to the successor council.

- 2.2 The report put before Members as consultees requesting authorisation for formal adoption of the new Local Planning Enforcement Plan for East Suffolk Council.

## **3. REPORT DETAILS**

- 3.1 Taking planning enforcement action is a discretionary function for Local Planning Authorities to undertake but the Council, as a Local Planning Authority, has a duty to investigate breaches of planning control that occur within its area. Furthermore if the Council fails to take action against breaches of planning control that are harmful it undermines the public's confidence in the planning system.
- 3.2 National Planning Practice Guidance (NPPG) – Ensuring Effective Enforcement was updated in February 2018, this document replaces previous national guidance on planning enforcement. It is a useful document which provides a comprehensive overview of the planning enforcement process, the powers available to local authorities, and the circumstances under which it is appropriate to use them.
- 3.3 Paragraph 58 of the NPPF is the only section that deals with planning enforcement and states: "Effective enforcement is important to maintain 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. They 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 appropriate".
- 3.4 The intention of the Local Planning Enforcement Plan is to supplement existing planning policies but be specific to planning enforcement decisions and issues which are relevant to East Suffolk Council. The proposed Local Planning Enforcement Plan aims to set out how

enforcement action will be taken in East Suffolk by taking into account both the common issues that require planning enforcement action and the resources at the Council's disposal.

- 3.5 The Local Enforcement Plan is structured in chapters so a reader can go to the relevant section of the plan depending on who they are and how any enforcement action could impact them. Therefore it is structured with the following chapters:

- 1 Introduction
- 2 What is breach of planning control?
- 3 How you can report a potential breach
- 4 How we prioritise complaints
- 5 How we will investigate a complaint
- 6 Enforcement actions we can use
- 7 What you can do if a complaint is made about your development
- 8 Untidy Land or Buildings (Section 215 Notices)
- 9 Contacts and further information
- 10 National Guidelines

#### **4. FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 4.1 Financial and reputational risk Enforcement decision/action can be challenged just like any other planning decision can. Therefore any increase in enforcement action could lead to losing appeals, court hearings and associated costs. The adoption of a Local Planning Enforcement Plan should reduce the possibility of planning enforcement action being successfully challenged.

#### **5. OTHER OPTIONS CONSIDERED**

- 5.1 The Council could make enforcement decisions without a Local Planning Enforcement Plan and base decision making on existing local and national planning policy. This is not recommended, as the adoption of a Local Planning Enforcement Plan makes the Council's decision making process more transparent and understandable to members of the public.

#### **6. REASON FOR RECOMMENDATION**

- 6.1 That the Local Planning Enforcement Plan, as set in Appendix A to this report, be adopted as guidance to officers, members of the public and developers on how the Council will carry out its function of enforcing planning control.

#### **RECOMMENDATION**

That the new Local Planning Enforcement Plan be agreed for formal adoption.

<b>APPENDICES</b>	
<b>Appendix A</b>	Draft East Suffolk Council Local Planning Enforcement Plan

<b>BACKGROUND PAPERS - None</b>
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