

<b>Subject:</b>	Planning Enforcement Report	<b>Status:</b>	For Publication		
<b>Report to:</b>	Development Control Committee	<b>Date:</b>			
<b>Report of:</b>	Planning Unit Manager	<b>Portfolio Holder:</b>			
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/>	<b>Special Urgency</b>	<input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached:	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:	No	
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1.	<b>RECOMMENDATION(S)</b>
1.1	Members are advised to note the report contents.

## 2. PURPOSE OF REPORT

- 2.1
- To provide elected members with an update on planning enforcement action from the period 12<sup>th</sup> April 2021 to the 22<sup>nd</sup> of November 2022, following the previous report to Committee earlier this year.
  - To provide elected members with an update on planning enforcement action and appeals from the same period.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities in the Councils Corporate Plan 2021-2025:
- Thriving Local Economy**
  - High Quality Environment**
  - Healthy and Proud Communities**
  - Effective and Efficient Council**

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The Council has a statutory duty to investigate alleged breaches of planning control. Failure to regulate in this area will likely result in a lack of public confidence in the Planning system; and
  - Failure to carry out effective planning enforcement could result in harm being caused to the local environment, residential amenity, highway safety and the appearance of the borough.
  - Members are advised that National Planning Policy states that enforcement action is discretionary and all local planning authorities should act proportionately in responding to suspected breaches of planning control.

## 5. BACKGROUND AND OPTIONS

- 5.1 Enforcement Cases

258 complaints were received in 2021 with a further 46 complaints being carried over from the year before. 129 of those complaints were closed in 2022.

112 complaints have been received in 2022 up until the 22nd November 2022. At the time of writing this report, there are 175 open and ongoing investigations.

## 5.2 Enforcement Action

During the reporting period, the following were served by the Planning Enforcement Team comprising:

- 2 Breach of Condition Notices (BCN's)
- 3 Enforcement Notice's (EN)
- 1 Temporary Stop Notices (TSN)
- 0 Stop Notice (SN)
- 2 Section 215 of the TCPA 1990 (s215)

Information on these Notices can be accessed through the publically available Planning Enforcement Notice Register accessed via the Council's website.

Copies of Notices can be issued upon request.

## 5.3 Enforcement Appeals

Presently there is only one ongoing Planning Enforcement Appeal which relates to reference 091/2021/COU – Far Brex Farm. The unlawful change of use of building to run a swimming pool business without the benefit of planning permission. We are currently awaiting a decision from the Planning Inspectorate.

## 5.4 The Planning Inspectorate

The Planning Inspectorate is still experiencing significant delays in relation to enforcement appeals. Decisions are taking a mean average of 30 weeks to be issued from the date it becomes valid to the date the decision is used.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **6. SECTION 151 OFFICER**

6.1 None contained within this report.

### **7. MONITORING OFFICER**

7.1 Report is for information purposes only.

### **8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 None contained within this report, however, appeal decisions can inform interpretation / implementation of Planning Policies.

### **9. CONCLUSION**

9.1 For Members to note the update provided in the report. Should Members wish to view any of the Enforcement Notices that have been served or require any further information regarding them it is advised that they contact the Planning Enforcement Team.