

<b>Subject:</b>	Planning Enforcement Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Policy Overview and Scrutiny Development Control Cabinet	<b>Date:</b>	11 <sup>th</sup> February 2013 12 <sup>th</sup> February 2013 6 <sup>th</sup> March 2013
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Operational Services and Planning
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" 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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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	To adopt the Planning Enforcement Policy for use.
1.2	All future minor amendments to the policy to be delegated to the Director of Business in consultation with the Portfolio Holder.

## 2. PURPOSE OF REPORT

- 2.1 To brief members on the intended purpose of the Planning Enforcement Policy, and seek authorisation from Cabinet for its adoption for use by Council officers, and for all future minor amendments to the policy to be delegated to the Director of Business in consultation with the Portfolio Holder.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:

- *A clean and green Rossendale* – creating a better environment for all.
- *A healthy and successful Rossendale* – supporting vibrant communities and a strong economy.
- *Responsive and value for money local services* – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below.

- 4.2 Risks for the Council associated with adopting the Planning Enforcement Policy include:

- Possible additional resource implications on the Licensing and Enforcement Department and on the Development Control Department in the short term, in terms of needing to explain the guidance to members of the public who are not familiar with planning enforcement regulations.

- 4.3 Risks for the Council associated with not adopting the Planning Enforcement Policy include:

- The possibility that a lack of guidance for applicants will lead to uncertainty for both members of the public and Council officers from other departments in terms of the Council's planning enforcement procedures.
- The possibility that the Licensing and Enforcement Department will receive planning enforcement complaints that do not include all necessary details which are required in order to properly process such complaints, therefore necessitating additional resources spent obtaining the required information prior to investigating the alleged breach of planning control in question.
- The possibility that the Council's Development Control function is not perceived by the public to be backed up by a robust enforcement function to deal with any breaches of planning control.

## **5. BACKGROUND AND OPTIONS**

5.1 The policy context for the proposed Planning Enforcement Policy is provided by the National Planning Policy Framework (NPPF). Planning Enforcement guidance was previously provided by the Government in the form of Planning Policy Guidance (PPG) 18, however the NPPF has now replaced this document. Paragraph 207 of the NPPF states the following:

*“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 cases of unauthorised development and take action where it is appropriate to do so”.*

5.2 The proposed Planning Enforcement Policy is in line with the requirements of the NPPF, and will provide a locally specific set of guidelines and policy which will form the basis of future enforcement activities.

5.3 The Planning Enforcement Policy provides guidance on exactly what type and level of information is required, to assist members of the public when notifying the Council about potential breaches of planning control, and provides clarity on the procedures which will be followed.

5.4 The Planning Enforcement Policy will apply for enforcement purposes from the date of adoption by Cabinet.

### **COMMENTS FROM STATUTORY OFFICERS:**

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

6.1 Any financial implications arising will be contained within existing budget resources.

#### **7. MONITORING OFFICER**

7.1 No objections.

#### **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

8.1 There are no specific human resource implications.

## 9. CONSULTATION CARRIED OUT

- 9.1 In addition to the Statutory Officer consultees, the policy has been subject to a 3 month public consultation (from September to December 2012) during which the policy has been available on the Council's website and in local libraries for inspection. A total of 8 valid responses were received (and a further two were received out of time), some of which have led to amendments to the policy wording to reflect current best practice, including the addition of a section on historic buildings.
- 9.2 Feedback from Policy Overview and Scrutiny will be added after the meeting on 11<sup>th</sup> February 2013.

## 10. CONCLUSION

- 10.1 The Council receives a high number of planning enforcement queries. National guidance in the NPPF requires the Council to have its own locally specific enforcement plan, and the proposed Planning Enforcement Policy will fulfil this requirement and provide clarity on the Council's enforcement procedures to all concerned.
- 10.2 The adopted Core Strategy policies provide guidance for development control decisions. However, there is a need to provide a clear and transparent set of guidelines setting out the Council's enforcement procedures, which will act to give confidence in the Council's ability to manage development within the borough effectively. It is considered that the Planning Enforcement Policy will be an effective instrument in this regard.

<b>Appendices</b>	
Appendix A	Planning Enforcement Policy
Appendix B	Copies of Consultation Responses
Appendix C	Copied of Consultation Responses received out of time