



Report to: Place and Economic Development Committee, 23rd January 2023

Report of: Corporate Director - Planning and Governance

Subject: LOCAL PLANNING ENFORCEMENT PLAN

1. Recommendation

- 1.1 That the Committee approve the draft Local Planning Enforcement Plan for public consultation for a period of six weeks.**
- 1.2 Following the public consultation, the Corporate Director - Planning and Governance be authorised to make any necessary amendments to the Local Planning Enforcement Plan in consultation with the Chair and Vice Chair of Place and Economic Development Committee and to adopt the Plan thereafter.**

2. Background

2.1 Paragraph 59 of the National Planning Policy Framework (2021) states that:-

“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”

2.2 The City Council adopted a Planning Enforcement Policy in March 2015 but since that time there have been significant changes in local and national planning policy and it is necessary to introduce a Local Enforcement Plan which sets out how the City Council will prioritise limited resources and deliver the planning enforcement service in a way that serves matters of public interest, meets customer needs and manages expectations.

3. The role of the Local Planning Enforcement Plan

- 3.1 The Local Planning Enforcement Plan dated 2023 (provided in Appendix item 1) is intended to set out high-level general principles and provide members of the public and other stakeholders with a clear usable guide as to what can be expected from the Planning Enforcement Service.
- 3.2 The Local Enforcement Plan provides information to the public about the different types of planning enforcement issues that the City Council may have to investigate and just as importantly, what is not a planning enforcement issue at all. The Plan explains how breaches of planning control might be resolved and if formal action is necessary, the different types of enforcement notice that can be issued.

The Plan also provides guidance on how to make a planning enforcement related complaint – the key information the Council needs to commence an investigation and explains more generally how the service is delivered, with a focus on negotiation and voluntary compliance, with formal enforcement action and the serving of notices as a last resort. The Plan does stress however, that the City Council does not condone breaches of planning control and formal enforcement action will be taken where this is justified and necessary in the public interest.

- 3.3 The Plan provides a clear framework for prioritising planning enforcement investigations, to focus limited resources on those breaches of planning control that cause or have the potential to cause the greatest social and environmental impact.
- 3.4 The Plan is likely to require review after a period of three years, but a review may be required sooner in response to a significant change in local or national planning policy or planning related legislation.

4. Consultation

- 4.1 The recommendation to Place and Economic Development Committee, is to consult on the draft Local Planning Enforcement Plan for a period of six weeks. This will be a general public consultation and key stakeholders in the city will also be signposted to the consultation opportunity. Following consultation and once any minor changes that might be needed have been agreed with the Chair and Vice-Chair of this Committee, the Plan will be desk-top published and made available on the Council's website.
- 4.2 The draft Plan is appended to this report as a text only document. The adopted version of the plan will be numbered and also formatted to ensure that it meets relevant accessibility standards.

5. Implications

Financial and Budgetary Implications

- 5.1 There are no financial or budgetary implications arising from the adoption of a new Plan; no changes to the resourcing of the Council's existing Planning Enforcement Service are proposed as a consequence of this Plan.

Legal and Governance

- 5.2 There are no significant implications other than demonstrating adherence to national policy relating to planning enforcement. As noted in the Government's National Planning Policy Framework, the Council has a discretion, not a legal duty, to enforce breaches of planning control. The Council's residents and businesses would have an expectation that the Council will act against breaches of planning control and to be a worthwhile investment of Council resources. Having an Enforcement Plan helps the Council ensure that its enforcement actions are defensible and proportionate.

Risk Implications

- 5.3 The introduction of the Local Planning Enforcement Plan will assist in managing risk by providing clarity and greater certainty about how the service is to be delivered.

Corporate/Policy Implications

- 5.4 The introduction of the Local Planning Enforcement Plan demonstrates that the City Council, in its role as the Local Planning Authority, is committed to reviewing and where possible improving its approach to planning enforcement and that the service is delivered in an open and transparent manner. This Plan helps the Council meet all of its 5 themes in the City Plan but especially the fifth theme: *Enhancing and sustaining our beautiful city for future generations*.

Equality Implications

- 5.5 The plan has been prepared having regard to the Equality Act 2010, and the general duty for local authorities to take steps to: eliminate discrimination, harassment and victimisation. advance equal opportunities for all and foster good relations between all individuals and this is reflected in the way that officers will approach their investigations in a fair, reasonable and proportionate way.

Human Resources Implications

- 5.6 There are no significant human resource implications.

Health and Safety Implications

- 5.7 There are no significant health and safety implications.

Social, Environment and Economic Implications

- 5.8 The plan sets out clear priorities having regard to the potential social, environmental and economic impacts that breaches of planning control can cause and explains how these impacts will be considered as matters of public interest.

Ward(s): All
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Background Papers: Local Planning Enforcement Plan 2023
Appendix 1