

**REPORT TO THE PLANNING COMMITTEE MEETING OF
18th July 2017**

Status: Recommendation
Title: Local Enforcement Plan
Originator: Christine Zacharia Team Leader Planning Enforcement
Where from: n/a
Where to next: Executive

Planning Enforcement Portfolio Holder: Councillor Jo Brodrick

1 Purpose of report:

- 1.1 To seek the Committees' endorsement of the draft Local Enforcement Plan (LEP) as set out in Appendix 1 of this report.

2 Recommendation

- 2.1 **That the Committee endorse the Local Enforcement Plan (LEP) attached at Appendix 1, and recommend to Executive that it be adopted as the Harborough District Council's LEP, and that this should formally replace the existing Planning Enforcement Protocol document of October 2007.**

3 Summary of Reasons for the Recommendation

- 3.1 The National Planning Policy Framework issued in March 2012 states that *"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"*.
- 3.2 The LEP does not seek to create new ways of working for the Council, but to set down in one place, in a clear and concise way, the practices which the Council's planning enforcement service currently adopt, which follow national planning guidance to planning enforcement.
- 3.3 The LEP should be read in conjunction with the Council's General Enforcement Policy September 2015 (Appendix 2).

4. Impact on Communities

- 4.1 Enforcement is referred to in paragraph 207 of the National Planning Policy Framework (NPPF) 2012. The discretionary and proportionate nature of enforcement is stressed and it is stated that; *“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”*.
- 4.2 The LEP shows how Planning Enforcement is carried out in the District and how planning enforcement allegations are processed.

5 Key Changes

- 5.1 In addition to the NPPF there have been a number of changes since the Council’s Enforcement Protocol document, October 2007, was published. The key changes are as follows:

- Planning Policy Guidance on ensuring effective enforcement published by DCLG in March 2014 provided further detail and clarity on enforcement breaches and the enforcement powers available.
- Some changes to the enforcement regime were brought in by the Localism Act 2011 which came into force in April 2012. The main changes insofar as they relate to planning enforcement are;
 - o Local Planning Authorities can decline retrospective planning applications if an enforcement notice has already been issued for the same development on the Land; and
 - o new powers (Planning Enforcement Orders) are available to tackle breaches of planning control that are deliberately concealed.

- 5.2 The above key changes are incorporated into the LEP.

6. Options

- 6.1 Whilst the LEP is not a statutory requirement, it is recommended in the NPPF, and sets out in a clear and concise way how planning enforcement is carried out in the District and the tools available to the Council.

The Council has the following options:

- 6.2 to adopt the LEP setting out how the Council will approach planning enforcement, as recommended by the NPPF; or
- 6.3 not adopt the LEP and keep the now outdated Planning Enforcement Protocol document October 2007.

7. Legal Issues

7.1 There are no direct legal implications arising from the report itself or the LEP, if adopted. The Council's Legal service has reviewed the draft LEP and any comments made have been incorporated.

8. Resource Issues

8.1 There are no direct resource implications arising from the adoption of the LEP. However further resources may be required if the Council is to proactively monitor planning conditions, ensuring that planning permissions are implemented correctly and in accordance with any conditions and agreements.

9. Equality Analysis Implications/Outcomes

9.1 The primary objective of the planning enforcement function is to remedy harm to public amenity resulting from unauthorised development. The Council will not take disproportionate action and will seek to redress any issue through the most appropriate means. Under the general principles of the Council's equality plan officers will have due regard of equality impacts during any investigation and before a decision is made.

9.2 The equality analysis can be found in Appendix 3.

10. Impact on the Organisation

10.1 None identified.

11. Community Safety Implications

11.1 None identified.

12. Carbon Management Implications

12.1 None identified.

13. Risk Management Implications

13.1 The integrity of the Development Management process depends on the Councils' readiness to take enforcement action when it is necessary to do so, in order to remedy the undesirable effects of unauthorised activity. Failure to take enforcement action when it is clearly required would damage the reputation of the Council's planning service. By having an adopted LEP, the Council sets out clearly and publically its procedures in dealing with enforcement complaints, and to breaches of planning control.

14. Consultation

14.1 There is no statutory requirement for consultation on the LEP. It will however be a public document, and will be retained as a document on the Council's website available to view and download, replacing the existing Planning Enforcement Protocol document published in October 2007.

14.2 The Portfolio Holder has been consulted on the content of this report and the accompanying Appendices.

15. Background Papers

15.1 NPPF, various legislation and government guidance

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: n/a

Ward Members Notified: N

Appendix:

Appendix 1 Draft Local Enforcement Plan

Appendix 2 General Enforcement Policy September 2015

Appendix 3 Equality Analysis