

Report of	Meeting	Date
Director of Policy, Planning & Performance (Introduced by the Executive Member for LDF and Planning)	Council	16 July 2013

## LOCAL ENFORCEMENT PLAN

### PURPOSE OF REPORT

1. The Local Enforcement Plan appended to this report provides a framework to manage enforcement complaints in the Planning Service. The report seeks the approval of the Local Enforcement Plan and related performance targets and service standards.

### RECOMMENDATION(S)

2. That Council is asked to approve the Local Enforcement Plan, performance targets and service standards.

### EXECUTIVE SUMMARY OF REPORT

3. In March 2012, the National Planning Policy Framework (the Framework) introduced a new local approach to enforcement. At Full Council on 17 July 2012, the Council adopted the previous national planning policy guidance (PPG18: Enforcement), as an interim approach to planning enforcement, and resolved to prepare a Local Enforcement Plan to meet the requirements of the Framework). The Local Enforcement Plan provides and an opportunity for the Council to set out how it will manage planning enforcement casework in a manner appropriate to its area; and also to define local performance targets and service standards.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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<b>Key Decision?</b> Please bold as appropriate	Yes	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	<b>4, Significant impact in environmental, social or physical terms in two or more wards</b>

## REASONS FOR RECOMMENDATION(S)

### (If the recommendations are accepted)

4. The delivery of the Local Enforcement Plan is a corporate project and must be approved by the full Council in order to deliver decisions that are supported by an authorised and transparent policy.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Continue with current position and use of PPG18 and Circular 10/97. However, the Framework cancels a number of documents including PPG 18 and Chorley Council must have a basis for making decisions on enforcement action.

## CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	✓	An ambitious council that does more to meet the needs of residents and the local area	✓

## BACKGROUND

7. The National Planning Policy Framework (the Framework) published in March 2012 details the approach to enforcement in a single paragraph as follows: *“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 alleged cases of unauthorised development and take action where it is appropriate to do so.”* The Framework does not cancel the existing circulars (10/97: Enforcing Planning Control; and 02/05: Temporary Stop Notices) which also provide guidance.
8. At Full Council on 17 July 2012, the Council adopted the previous guidance (PPG18: Enforcement), as an interim approach to planning enforcement, and resolved to prepare a Local Enforcement Plan.

## PROPOSED LOCAL ENFORCEMENT PLAN

9. The Council receives approximately 350 enforcement related complaints each year. The vast majority of cases are resolved without the need to take formal enforcement action, and during 2012, a total of 12 twelve formal enforcement notices were issued. The case load varies from relatively straightforward complaints where development takes place without planning permission, or where there is a view that the development as built is considered not to be in accordance with a permission. In many cases, complaints are resolved by clarification and compliance checking, or by the submission of a retrospective planning application. There are a number of cases that are long standing, and these can require significant time and resources to monitor and achieve the desired outcome.

10. Officers have been developing systems of control and undertaking data analysis to improve the management of enforcement caseload, and to inform the setting of service standards and performance targets. However, at this time, the planning system is still undergoing significant legislative change, and the recent changes to permitted development rights (especially those in relation to extending dwellings without permission) is expected to increase the demand upon the enforcement service. Under these circumstances, it is considered that any proposed performance targets could be considered provisional and that the Executive Member for LDF & Planning keep the targets under review.
11. One option considered was to keep to a relatively high target of 80% of cases resolved within 8 weeks. This would be identical to the overall planning application target of 80% of planning applications decided within 8 weeks. However, given the current changes to the planning system, it is considered that a lower target of 60% would be more realistic.
12. The plan also sets out what the Council can and will do in response to enforcement complaints, and also identifies priorities for investigation. For example, a complaint about unauthorised works to a listed building would have a higher priority for an immediate site visit than the erection of a fence without permission.
13. The plan does set targets for visiting and progressing investigations and does prioritise these as mentioned in para 12 above, whilst there are targets and investigations are prioritised it is important to acknowledge that there is discretion for officers to progress investigations sooner if the harm to for example residential amenity or highway safety is identified as being substantial. In those cases the Council officers would be aiming to visit the site and progress the investigation within 5 days. This is important to be able to reassure residents and others that the investigation of breaches of planning control are taken seriously and progressed without undue delay.
14. A more proactive approach to compliance with planning permissions is also advocated in the Framework and the plan addresses this matter by explaining simply that the Council will undertake compliance checking to maintain public confidence in the system. Officers are developing a sampling framework for selecting development for compliance checking. This will include large housing developments – where levels, layout, house types and materials could be checked. Compliance checking for householder development could also be undertaken on a sample basis, but it is considered more likely that non-compliance will be identified through the receipt of neighbour complaints.
15. If the plan is approved, we will modify our procedures in terms of the nature of our communications with stakeholders in the process and this will support the clear concern of enforcement complainants who wish to have their complaints about alleged unauthorised activity resolved at the earliest possible opportunity. For example, acknowledgement letters will detail the timeframe for resolution of the case, and the priority level afforded.
16. In approving the plan, the Council can improve transparency with its residents, businesses and the development community on how planning enforcement cases will be dealt with. The plan can help manage customer expectations of service, and reduce avoidable contact. The plan will also provide a framework to assist in the transformation objectives of the Council in managing customer contact through the front office.

## **IMPLICATIONS OF REPORT**

17. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

### COMMENTS OF THE STATUTORY FINANCE OFFICER

18. As the report focusses on planned prioritisation there are no budgetary implications associated with the report.

### COMMENTS OF THE MONITORING OFFICER

19. There are no comments.

LESLEY ANN FENTON  
DIRECTOR OF PARTNERSHIPS PLANNING & POLICY

Report Author	Ext	Date	Doc ID
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Background Papers			
Document	Date	File	Place of Inspection
National Planning Policy Framework		Web	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>
Planning Policy Guidance 18	***	Web	<a href="http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/previousenglishpolicy/ppgpps/ppg18">http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/previousenglishpolicy/ppgpps/ppg18</a>