

DRAFT ENFORCEMENT PLAN

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 - Draft Enforcement Plan

Summary

This Draft Planning Enforcement Plan sets a framework for how the planning enforcement team will handle complaints and any subsequent investigations into breaches of planning control. It will aim to clearly set out the aims of the Planning Enforcement Team, the background to Planning Enforcement and the scope of enforcement powers. This Draft Planning Enforcement Plan sets out priorities for responses to complaints and clarify the timescales for response by Enforcement Officers. This policy document will also seek to formulise how Councillors and the general public will be kept up to date in relation to the work being carried out by the Planning Enforcement Team.

Recommendation (s)

The Committee is asked to:

- (1) Approve the Draft Planning Enforcement Plan (Appendix 1) for a period of 6 weeks public consultation. Following which the comments received will be considered, amendments made as considered appropriate and the revised plan will be brought back to this to the committee for formal adoption.**

1 Reason for Recommendation

- 1.1 The delivery and implementation of the Planning Service its policies and development management functions contributes towards all of the Council's Key Priorities. The Draft Enforcement Plan sets out how the council will investigate potential breaches of planning control and use its discretionary planning enforcement powers when appropriate.

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2 Background

- 2.1 The Council's general approach to enforcement of breaches of planning control is set out in its Development Management Policies Document section 8 adopted in September 2015. This draft Enforcement Plan is brought forward as detailed explanation of how the Council will implement its approach to enforcement in accordance with up-to-date government guidance and best practice.
- 2.2 Under the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.
- 2.3 Guidance as to how to apply this power and when a local planning authority may consider it expedient to take enforcement action is contained in National Planning Policy Framework (NPPF) paragraph 58, and National Planning Practice Guidance (NPPG) The government urges local planning authorities to use enforcement action as a last resort. Formal enforcement action will not be authorised unless it has been concluded that there is no other course of action available.
- 2.4 In addition to Government guidance the Development Management Policies Document adopted in September 2015 contains at section 8 a statement about planning enforcement and a series of general statements which constitute the Council's Enforcement Policy. This Draft Enforcement Plan if adopted will not form part of the Council's Statutory Development Plan but will elaborate how the adopted Enforcement Policy will be applied and sets out service standards and clear communication with local communities, businesses and other interested groups as to how we will deal with complaints and when we will use our enforcement powers.
- 2.5 It may be updated from time to time as circumstances change.
- 2.6 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.7 The Development Plan for the Borough comprises the Epsom & Ewell Core Strategy 2007, Plan E: Epsom Town Centre Area Action Plan (2011) and the Development Management Policies Document 2015.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 Not required

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3.2 Crime & Disorder

3.2.1 There are some breaches of planning control which amount to prima facie criminal acts, these include unauthorised works to statutorily Listed Buildings

3.3 Safeguarding

3.3.1 There are no safeguarding implications arising from this report

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 The preparation and production of the draft Enforcement Policy and the subsequent public consultation has been undertaken using existing internal resources. This has had minor resource implications that have been contained and managed within the Planning Development Management Team.

4.2 All the costs associated with enforcement actions are met out of the existing Development Management revenue budgets. There are no additional financial implications arising from the recommendation to adopt the Planning Enforcement Policy.

4.3 **Section 151 Officer's comments:** Non arising from the contents of this report.

5 Legal Implications

5.1 The statutory basis for planning enforcement is contained in Part VII of the Town and Country Planning Act 1990. Enforcement powers available to the Council include the service of enforcement, breach of condition and stop notices and the taking of legal proceedings by way of an injunction.

5.2 The taking of enforcement action is discretionary and, as referred to in the body of the Report, is a matter of expediency with government guidance published as to when enforcement action should be considered.

5.3 It is not considered that any adverse human rights implications arise from the Report or implications under the Equalities Act.

5.4 **Monitoring Officer's comments:** none arising from the contents of this report.

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6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:**

There are no Climate or Environment impact implications arising from this report

6.4 **Sustainability Policy & Community Safety Implications:**

There are no Sustainability or Community Safety implications arising from this report

6.5 **Partnerships:**

There are no Partnerships implications arising from this report

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- The Development Management Policies Document – September 2015

Other papers:

- Appendix 1: Draft Enforcement Plan