

**TELFORD & WREKIN COUNCIL**

**CABINET - 15 OCTOBER 2015**

**ADOPTION OF A TELFORD & WREKIN PLANNING ENFORCEMENT POLICY**

**REPORT OF ASSISTANT DIRECTOR DEVELOPMENT, BUSINESS & EMPLOYMENT**

**LEAD CABINET MEMBER – CLLR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The Report proposes the adoption and publication of a Local Planning Enforcement Policy (Appendix 1) which will provide transparency and certainty to all members of the public concerning the council's handling of potential planning breaches. The standard of service and timescales will be monitored through our month end business review.
- 1.2 The adoption and publication of the policy will enable the council to access the new Planning Enforcement Fund which has been implemented to support councils with legal proceedings against unlawful breaches of planning control. The fund will run until 31st March 2016 and will give access to grants of up to £10,000 or 50% towards the costs of a legal injunction (whichever is the lesser).

**2. RECOMMENDATIONS**

- 2.1 The recommendation is to adopt and publish the Local Planning Enforcement Policy set out in Appendix 1

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Co-Operative Council Values: <ul style="list-style-type: none"><li>• Openness &amp; Honesty through transparency.</li><li>• Fairness &amp; Respect - By putting power back in the hands of local communities and empowering councils to take action against those who do not play by the rules.</li></ul> Co-Operative Priorities: We will ensure that our neighbourhoods are safe, clean and well maintained through policing unauthorised development.
	Will the proposals impact on specific groups of people?	
	No	Borough-wide impact.

<b>TARGET COMPLETION/DELIVERY DATE</b>	To publish the policy immediately following approval by Cabinet.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	The work associated with the implementation of the Local Planning Enforcement Policy, if adopted, will be carried out within existing staff resources. The Planning Enforcement Fund is only available until the 31 <sup>st</sup> March 2016 and as we have no pending cases it is unlikely that we will have a valid claim against this Fund. Therefore, 100% of the costs of securing any future court injunctions as a result of implementing the Local Planning Enforcement Policy (if any) will have to be met by the Authority. As set out in the Policy court action will always be a last resort and no cases are currently pending. JAC 16/09/15
<b>LEGAL ISSUES</b>	Yes	The National Planning Policy Framework (NPPF) at paragraph 207 states” local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.”  Adopting a local enforcement policy therefore complies with a specific NPPF objective .It also fulfils a fundamental qualifying criterion in the event of the Council wishing to apply for funds under the Planning Enforcement Fund in order to deal with individual enforcement cases where an injunction is considered to be an appropriate course of action
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	There is opportunity to apply for funding to support the council with potential legal proceedings against unlawful breaches of planning control
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

- 4.1 The purpose of the Planning Enforcement policy is to set out the Council's approach to dealing with suspected breaches of planning control providing both clarification and assurance to our customers.
- 4.2 Enforcement action is at the discretion of the LPA and not all breaches of planning control will result in formal enforcement action being taken, as outlined in the National Planning Policy Framework (NPPF).
- 4.3 The integrity of the planning system and the public's confidence in it relies on effective enforcement action being taken by Local Planning Authorities (LPA) where necessary. This policy explains the Council's approach when dealing with planning enforcement matters providing clarification and managing the expectations of our customers.
- 4.4 It seeks to clarify the following areas:
- What is classified as a breach; what we will and will not be investigated
  - What types of enforcement options are available to the authority to remedy the breach
  - How reports of suspected breaches are prioritised and how long investigations will take
  - Confidentiality for complainants and
  - The investigation process
- 4.5 The pledges included in the policy will be monitored and reported upon monthly to ensure service standards are maintained.
- 4.6 In addition, the Government has launched a £1 million Planning Enforcement Fund which gives councils funding towards the legal costs in seeking a court injunction against those who flout planning laws and cause misery to local residents. This funding can only be accessed by councils who have adopted and published a local enforcement policy which sets 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.
- 4.7 We undertook an external consultation on this document over a six week period which closed Friday 3 July 2015 and received a number of comments. These were received from Horsehay & Lightmoor Ward, Wrockwardine Wood & Trench Parish Council and one member of the public. All comments were carefully considered and the Policy has been amended to reflect those comments where appropriate as detailed in (Appendix 2).

### **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

### **6. BACKGROUND PAPERS**

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