



1. PURPOSE OF REPORT

- 1.1 To seek approval for an updated Planning Enforcement Protocol, which:
- Brings the protocol in line with national planning policy guidance;
 - Introduces a more pro-active planning enforcement regime;
 - Aligns with the Council's Corporate Enforcement Policy.

2. RECOMMENDATION

- 2.1 That the Planning Enforcement Protocol as set out in Appendix 1 is approved.

3. BACKGROUND TO THE REPORT

- 3.1 The Planning Enforcement Protocol was last updated in 2011. This document sets out the Council's approach to dealing with breaches of planning control.

- 3.2 Since the last Protocol was updated the National Planning Policy Framework (NPPF) was introduced in 2012 which states at Paragraph 207 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. 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”.

- 3.3 The Planning Enforcement Protocol has been updated to be in accordance with the NPPF and to also set out how the Council will proactively manage enforcement issues within the borough by monitoring the implementation of planning permissions and ensuring conditions are fully complied with. It also reflects guidance contained within the Council's Corporate Enforcement Policy, which was adopted in August 2015.

- 3.4 As part of a review of the Protocol, in order to be more proactive in investigating alleged breaches of planning control, the target response times for undertaking a site visit in response to an alleged breach have been reviewed. The previous protocol set out that a Planning Enforcement Officer would undertake a site visit to a standard priority case within 10 working days. Shortening this target response time will ensure that the service is more pro-active in investigating complaints by ensuring officers gather evidence on site more expediently in identifying courses of action sooner.

- 3.5 The updated Planning Enforcement Protocol reflects the approach taken to corporate working with other service areas within the Council, including the Endeavour team, to ensure issues are tackled in accordance with the Corporate Enforcement Policy.

4. FINANCIAL IMPLICATIONS (TF)

- 4.1 None arising directly from this report

5. LEGAL IMPLICATIONS (MR)

5.1 Set out in the attached draft protocol.

10. CORPORATE PLAN IMPLICATIONS

10.1 According to the Corporate Plan 2013 – 2016 this report aims to “Provide value for money and pro-active services”. The service improvements outlined above show that the Planning Enforcement team aims to be a more efficient, effective and pro-active service. This will improve public’s confidence in the service.

11. CONSULTATION

11.1 None

12. RISK IMPLICATIONS

12.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

12.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

12.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	None	None

13. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

13.1 The updated Planning Enforcement Protocol has been considered in light of the Corporate Enforcement Policy in respect of equality and rural implications. It is not considered that any further implications arise directly from this report.

14. CORPORATE IMPLICATIONS

14.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector
-

Background papers: HBBC Corporate Enforcement Policy
HBBC Planning Enforcement Protocol (June 2011)

Contact Officer: Craig Allison – 01455 255700

Executive Member: Cllr Mike Hall