

PROPOSED REVISED PLANNING ENFORCEMENT POLICY

Report By: Head of Planning Services

Wards Affected

County-wide

Purpose

1. To update the Council's Planning Enforcement Policy

Financial Implications

2. None.

Background

3. The current Planning Enforcement Policy was approved by a Key Decision in 2003 and is published on the Council's website. However, since 2003 there have been changes in the policy background to planning enforcement, i.e. the replacement of the former local and structure plans by the Unitary Development Plan, along with some adjustments to Enforcement Practice including the introduction of six monthly reports to this Committee on enforcement activity. It is therefore felt that it would be helpful to update the Policy. The degree of change is relatively minor and, therefore, on the advice of the Head of Legal and Democratic Services the Policy can be updated without a further Key Decision. The updated policy, along with an explanation of the principal changes, is therefore being reported to this Committee for its endorsement as a working document, before being forwarded to the Cabinet Member for his approval.
4. It is appropriate to seek approval for an updated Policy to co-incide with the adoption of the Unitary Development Plan – it is therefore intended that the new Policy is brought into effect immediately upon the anticipated adoption of the Unitary Development Plan on 23rd March 2007.

The Proposed Changes in the New Policy

5. The proposed updated policy is attached as an appendix to this report. The proposed changes from the previous policy can be summarised under four headings:
 - a) Updating references to the operative development plans, which are now the Regional Spatial Strategy and the Unitary Development Plan. Updating to the job titles where they have changed.
 - b) Refinements to the definition of the three priorities of cases: high, medium and low.
 - c) Explicit acknowledgement that, once a site has been visited, it may result in the priority accorded to a case being re-classified

- d) Stating the current (i.e. since April 2006) arrangements for reporting enforcement activity to this Committee.

a) Updating references

6. The updating of the development plans and job titles comes about simply by virtue of changes in these circumstances since the first Enforcement Policy was approved in 2003.

b) Revised Priorities

7. The revisions to the definitions of the three Priorities has come about because, in the past year of monitoring enforcement work within the Team, it has become apparent that almost all cases could be categorised as being of "Medium" category, and it is simply not practicable to make the initial site visit within two working days (as set out in the old Policy) for all cases. The proposed policy therefore focuses the definition of "High Priority" to make it clear which are the case which must be inspected within one working day. The proposed revised definitions of the Priorities are:

Level 1 – High priority where there is a serious and urgent risk that the breach will result in irreversible damage to material planning interests. A site visit and investigations will be commenced within 1 working day for:

- Breaches of Listed Building control where demolition or alterations are taking place which are known to detract severely from the special architectural and historic interest of the listed building.
- Breaches of planning control in Conservation Areas or AONBs where there is clear evidence that immediate, irreparable and significant damage would be caused to the character or appearance of the Conservation Area, or the special landscape character of an AONB
- Removal of hedgerows, works to trees protected by a Tree Preservation Order and works to trees in Conservation Areas where hedges or trees which make a major contribution to the County's natural heritage are under immediate threat.
- Breaches of control or conditions causing significant irreversible damage to the environment
- Breaches of planning control which are resulting in serious damage to the biodiversity of a site in an area subject to special protection such as an SSSI, cSAC or SWS,
- Breaches of Planning Control which are resulting in permanent and serious damage the archaeological interest of a site, especially where it is a Scheduled Ancient Monument.

Level 2 - Medium priority for breaches involving building operations. A site visit and investigations will usually be commenced within 5 working days for:

- Breaches of planning control involving building work which would be significantly contrary to landscape and conservation policies set out in the development plan.
- Breaches of planning control or conditions which results in serious harm or loss of amenity or nuisance to a neighbourhood

Level 3 – Low priority where investigations and, if necessary, a site visit will be commenced within 10 working days for:

- Breaches of Advertisement control
- Development involving small domestic structures such as sheds or fences.
- Breaches of control where the use is likely to be temporary and capable of being resolved without formal action.

- Breaches not included in levels 1 and 2 above.

c) Revising Priority Classifications after Investigation

8. Along with redefining the Priorities above it is felt that the Policy should also acknowledge explicitly that once the preliminary investigation has been undertaken a case may well be re-classified to a different Priority if it becomes clear that the damage to the environment is either more or less significant than first thought.

d) Monitoring Performance

9. There are no national or local indicators for performance management of planning enforcement activity, and hence, in the past, there has been no reporting of enforcement matters through the Council's normal performance monitoring procedures. Instead, since April 2006 there has been a six monthly report to the Planning Committee, in April and October 2006 respectively. It is proposed to continue with this practice. It is, therefore, appropriate for the updated Planning Enforcement Policy to recognise current performance management and reporting practices and endorse them assuming that the Planning Committee is happy with these arrangements. The next such report is due to the next Planning Committee meeting on 19th April 2007.

RECOMMENDATION

THAT;

The revised Planning Enforcement Policy be supported, subject to any comments Members may wish to make, and forwarded to the Cabinet Member, Environment for approval as a policy of the Council to come into effect upon the adoption of the Unitary Development Plan.