

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: 20 October 2022
title: PLANNING ENFORCEMENT POLICY 2022-2025
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL, HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

- 1.1 To seek Committee approval of the Planning Enforcement Policy 2022-2025
- 1.2 Relevance to the Council's ambitions and priorities
 - Community Objectives - Clear enforcement priorities and processes support the Council's ambition to protect and enhance the existing environmental quality of our area.
 - Corporate Priorities -
 - Other Considerations -

2 BACKGROUND

- 2.1 The Council as Local Planning Authority ("LPA") has responsibility for planning enforcement. The power to take planning enforcement action is discretionary and needs to be exercised in such a way as reflects the Council's priorities surrounding development in the context of the Council's available resources.

- 2.2 The National Planning Policy Framework sets out at paragraph 59 that:

"Effective enforcement is important to maintain 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**. They 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 appropriate."

The Council approved a Local Enforcement Plan in 2014, and a copy of this can be found at https://www.ribblevalley.gov.uk/download/meetings/id/7430/agenda_item_8_-_local_enforcement_plan. A comprehensive review of this plan has now been carried out and a new policy produced to replace it. A copy of the draft Planning Enforcement Policy 2022-2025 is enclosed as Appendix 1 to this report. Due to the extent of the revision is it not possible to show this in track changes and so the draft is a new document.

3 ISSUES

- 3.1 The draft policy seeks to set out in a clear and comprehensive format:

- the purpose of planning enforcement (Section 1);
 - what amounts to a breach of planning. With respect to issues which do not, it signposts the public to the other relevant departments or organisations (Section 2);
 - The process which will be followed and how complaints will be categorised using high, medium and routine priority categories. The timescales for investigating complaints will also be driven by these categories which will allow the Council to focus its resources in those areas which it deems most important (Section 4).
 - How complaints will be investigated and the potential routes of action. This is highlighted in a flow chart which it is hoped will help the public navigate and understand what action the Council takes (Section 4-6).
 - Clear routes for the public to make complaints, ensuring that they have access to a range of methods including, online, email, telephone, post and in person, ensuring that the service is as accessible as possible to all. The policy and the associated complaint forms also assist in ensuring that the Council has as much information as possible from the outset. This will assist in response times and the efficient use of the Council's resources (Section 4 para 4.2).
 - Methods of reporting on planning enforcement are also included, so these are clear and there is a commitment to ensuring that Committee and the public are kept informed on the action taken. This will seek to ensure that the public have confidence in the process (Section 8).
 - Proactive monitoring of development. The policy includes provision on how the Council will ensure that it meets this requirement of paragraph 59 of the NPPF (Section 11).
- 3.2 The policy is intended to run from 2022-2025. A review will take place before October 2025, and it will be updated thereafter. This ensures that more regular reviews will take place in future. The policy will, however, be reviewed before that date should changes to the NPPF of planning guidance occur prior to that or should the Council's priorities be altered. Having considered the above and the content of the draft policy, Committee is asked to approve its content.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The policy will assist in the efficient use of existing resources
- Technical, Environmental and Legal – All legal comments are incorporated into the body of this report.

- Political – N/A
- Reputation – Adoption of the policy will enhance public confidence in the service.
- Equality & Diversity – The policy ensures that the Equality Act 2010 is embedded into the processes for planning enforcement.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve the Planning Enforcement Policy 2022-2025

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418.

REF: MJH/P&D/.10.22