

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 16 FEBRUARY 2023
 title: PLANNING ENFORCEMENT UPDATE
 submitted by: CHIEF EXECUTIVE
 principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To provide committee with an update on planning enforcement.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 As the Local Planning Authority, the Council has responsibility for planning enforcement. At Ribble Valley Borough Council this function sits within Legal Services with the officers working closely with the planning officers to determine what action should be taken in individual cases.

2.2 The Council's Planning Enforcement Policy 2022-2025 was approved by this Committee in November 2022. The policy states that the Council will report to Committee on a quarterly basis on enforcement matters so that members and the public are aware of the work which is ongoing.

3 ISSUES

3.1 Between 11 November 2022 and 6 February 2023, the Council received 26 new complaints. The Planning Enforcement Policy sets out how complaints will be categorised and how resources will be prioritised. The categories are:

“Priority 1 (High)

Development causing significant and irreversible damage to the environment or amenity. Typical examples are:

- *unauthorised works to, or demolition of a listed building or building within a Conservation Area;*
- *unauthorised development within a Conservation Area (where the development may impact on the character and appearance of the area);*
- *unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area;*
- *unauthorised development close to or within a Site of Special Scientific Interest (SSSI);*
- *large scale engineering operations within the Green Belt;*
- *breaches of statutory planning notices such as Enforcement Notices.*

Priority 2 (Medium)

Development causing less significant but continued harm to the environment or amenity, time-sensitive breaches or development that compromises public safety. Examples include:

- *large-scale unauthorised engineering/construction works where a significant impact is felt over a wide area;*
- *substantial operational development in the Green Belt;*
- *unauthorised changes of use causing significant harm to the amenity of an area, for example car repairs business from a residential property;*
- *unauthorised vehicle accesses causing significant risk to highway safety;*
- *development/operations which are not in accordance with approved plans/conditions of a planning permission;*
- *unauthorised development within a Conservation Area (not falling within Priority 1).*

Priority 3 (Routine)

Development causing a limited degree of disturbance to local residents or damage to the environment. Examples include:

- *unauthorised operational development which would be likely to receive planning permission;*
- *unauthorised fences/walls/gates (unless public safety is compromised/ attached to or adversely affecting the setting of a listed building);*

- *unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings;*
- *display of advertisements not causing significant harm to amenity or public safety.”*

3.2 The 26 new complaints fell into the following categories:

- Priority 1 – 1
- Priority 2 - 0
- Priority 3 - 25

3.3 The Council also had a substantial number of ongoing matters which have also continued to be dealt with in this period. The Council takes a stepped approach to enforcement and so these complaints were all investigated. Weekly meetings take place between legal and planning officers to discuss new matters so that an agreed approach can be implemented quickly. Monthly meetings also take place at which all outstanding matters and the progress made is assessed and matters are moved on efficiently.

3.2 Planning Enforcement is discretionary, and the Council will not take action unless it is expedient to do so. Once matters have been investigated it may be therefore that it is found that there is no breach or that it is not expedient to take any action. Those matters are closed, and no further action is taken. 12 matters have been closed with no further action during this period.

3.3 For those where action is required, it may be appropriate to invite a planning application to be made to regularise the position and so that it can be fully assessed. If refused an applicant has a right of appeal to the Planning Inspectorate. No applications to date, have been submitted during this period although we expect some to be forthcoming in due course.

3.4 As set out above and in line with government guidance, the Council seeks to work with and negotiate with the public. However, in some cases this is not forthcoming, or is not appropriate. As a result, in those investigations, the Council has taken formal action and has served the following formal notices:

- Planning Contravention Notices – 1

- Enforcement Notices – 1
- Breach of Condition Notice - 0
- Temporary Stop Notices – 1
- Removal of signage - 1

The Council has an ongoing prosecution relating to demolition of a listed building. Following the return of guilty verdicts against all Defendants this matter was listed for sentence on 24 January 2023. Unfortunately, the court was over listed for that day and so the sentencing hearing has been adjourned to 8 March 2023

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The increase in planning enforcement officer resources has significantly increased and improved the volume and pace of enforcement.
- Technical, Environmental and Legal – The approach taken to planning enforcement accords with government guidance
- Political – No implications
- Reputation – Improved resources in this area will enhance the Council’s reputation
- Equality & Diversity – The Council complies with its equality duties when carrying out planning enforcement.

5. CONCLUSION

5.1 Note the contents of this report.

MAIR HILL

MAIRSHAL SCOTT

HEAD OF LEGAL AND DEMOCRATIC SERVICES

CHIEF EXECUTIVE

BACKGROUND PAPERS

<https://www.ribblevalley.gov.uk/downloads/file/3279/planning-enforcement-policy-2022-2025-v1>

For further information please ask for Mair Hill, extension 4418
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