

Planning enforcement plan

The purpose of this plan

This plan sets out how the authority will respond to suspected breaches of planning and related controls in its area; how it will monitor the implementation of permissions; investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

The Council is firmly committed to the effective enforcement of planning control. It views the harmful effects of any breach of planning control very seriously and has a compliance team based within the Planning Service area.

Introduction

The Town & Country Planning Act provides Local Authorities with the legislative background to exercise control over unauthorised development and non-compliance with any condition or limitation attached to a planning permission. Controls relating to advertisements, listed buildings, trees and conservation areas are found in separate legislation.

This document sets out the Council's plan for planning enforcement and the approach the Council will take in investigating and remedying breaches of planning control.

The National Planning Policy Framework (NPPF) states "*The purpose of planning is to help achieve sustainable development*". Enforcement is an integral part of the planning system and "*is important as a means of maintaining public confidence in the planning system*" (para. 207 of the NPPF).

There is a duty on planning authorities to investigate alleged breaches of planning controls and resolve issues effectively in accordance with the Development Plan, any Supplementary Planning Guidance and the National Planning Policy Framework (NPPF). However, any subsequent enforcement action is discretionary.

What is planning enforcement?

The overall objective of the planning enforcement function is to maintain the integrity of the planning system.

The main functions of planning enforcement are:-

- To maintain public confidence in the planning system:

The integrity of the Council's development management function depends on the Council's readiness to take enforcement action when it is considered expedient to do so. Parliament has given this Council the primary responsibility for taking whatever enforcement action is necessary within the area for which it is Local Planning Authority.

The Broads Authority is the Local Planning Authority for enforcement matters within its area. The enforcement of matters relating to waste management and mineral workings is the responsibility of Norfolk County Council.

- To investigate alleged cases of unauthorised development both reactively and proactively:

The Planning enforcement team has both a proactive as well as a reactive role in monitoring the progress of development on sites and ensuring compliance with planning conditions. The team also responds to third party complaints and allegations about possible breaches of planning control.

- To act proportionately

Ensuring any enforcement action is commensurate with the breach of planning control to which it relates. Enforcement action will not normally be taken to remedy trivial or technical breaches of control which are considered to cause no harm to amenity or the public interest.

- To take action where it is appropriate to do so

Although nothing in this plan should be taken as condoning a wilful breach of planning law, the Council's enforcement powers are discretionary and will only be exercised when it is considered expedient to do so.

The following principles underpin the functioning of the service:

An emphasis on customer focus

- Allegations of suspected breaches of planning control can be reported to the Compliance team in person, by telephone, by email, by letter or via the Council's website.
- All complaints will be acknowledged within 3 working days and the complainant given the name of the officer assigned to investigate the particular case
- The identity of persons reporting suspected breaches of planning control will be treated as confidential. However, where the success of an appeal or prosecution is dependent on evidence being provided by the person who reported the breach, the Council will discuss with the individual concerned whether they are willing to relinquish their confidentiality and provide the required evidence before proceeding with formal enforcement action or a prosecution.
- Parish and Town Councils and Ward members will be provided with an update on a monthly basis as to the progress made on all the complaints received and planning permissions monitored within their respective areas.
- Updates will be given to a complainant at key stages and of the outcome of an enforcement investigation when the matter reaches a conclusion.

Effective decision making

- Upon receipt of a complaint an assessment will be made as to whether a breach of planning control exists. This may involve carrying out a site visit.
- We will prioritise:
 - Unauthorised development which is causing or threatening significant harm to public health and safety.
 - Cases where there is ongoing or immediate threat of irreversible harm to amenity or the environment.
 - Harm to areas protected by statutory designations such as Sites of Special Scientific Interest (SSIs), Conservation Areas Archaeological sites.
 - Harm to listed buildings and their setting.
 - Harm to trees and hedges, especially where protected by Tree Preservation Orders (TPO's) or Regulations.
 - Unauthorised development likely to harm protected species or habitats.
 - Monitoring of major developments.
- The Council's enforcement powers are discretionary and will only be exercised when it is considered expedient to do so.
- The majority of decisions as to whether and how to proceed with an enforcement investigation are vested in the Officers with only a very few cases being reported to members for consideration and for a course of action to be agreed.
- Development Plan policies, appeal decisions, case law, individual site circumstances and the level of harm likely to be caused will all be taken into account in respect of an individual case in order to ensure consistency in decision making.

Flexibility in applying procedures

- In most instances an attempt to persuade an owner or occupier of a site to voluntarily remedy the harmful effects of unauthorised development will be made. We will aim for this to be undertaken within 6 weeks of the initial site visit
- Lengthy negotiations however will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop
- In seeking to remedy a breach by negotiation regard is had to the statutory time limits beyond which the Council would be precluded from taking enforcement action together with relevant planning policies and other material considerations
- Each case is progressed as far as possible with the information available at that time

- Where a retrospective planning application is refused relating to an existing breach of the planning regulations the associated planning decision notice will be accompanied by an enforcement notice setting out what needs to be done to remedy the breach of planning control

Applying the most appropriate measures

- The council has a range of enforcement measures available and will have regard to which power (or mix of powers) is best suited to dealing with any particular breach of control to achieve a satisfactory, lasting and cost-effective remedy. This may result in some instances in letting the legislative powers of colleagues from other departments or even other agencies taking precedence to resolve issues which cross departmental boundaries.
- Wherever possible and appropriate the Council will seek to remedy breaches of planning control through negotiation and mediation.

Proactive enforcement

- The Compliance team proactively monitors planning conditions imposed on planning and other permissions both at the time of commencement of development and where appropriate at subsequent development stages
- The Compliance , in conjunction with colleagues in other departments, will explore avenues of collaborative working which could include the issuing of fixed penalty notices to secure the remedying of breaches of planning and other related offences which cause harm to the public realm.
- The Compliance team will, when called upon to do so, provide advice to prospective and newly established businesses to ensure that they will not fall foul of planning and related legislation.