

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
10 January 2017

**Subject:** **ADOPTION OF THE COUNCIL'S LOCAL ENFORCEMENT PLAN**

**All Wards**  
**Portfolio Holder for Planning and Housing: Councillor B Phillips**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 To adopt the Local Enforcement Plan (as attached as appendix 2).
- 1.2 The Local Enforcement Plan updates the content of the Enforcement and Compliance Policy 2008. A 'tracked change' version of the Enforcement and Compliance Policy showing the deleted, new and re-formatted text is attached as appendix 1.
- 1.3 The significant changes are:
- All references to the local Planning authority have been replaced with 'The Council'
  - Insertion of a 5 step approach to follow in consideration of a report of a breach of control.
  - Whilst the Council will maintain a flexible approach to negotiating genuine alternative solutions to resolving breaches, there will be an introduction to do so within a reasonable time scale (normally 21 days).
  - Where it is felt that unconditional or conditional planning permission would have been granted, the submission of a retrospective planning application within a reasonable time scale (normally 21 days) will be requested.
  - The introduction of amended courses of action for:
    - Category 1 priorities which will:
      - be determined within 5 working days instead of 10 working days; and
      - include a weekly review of progress for those investigations that require further evidence to be gathered.
    - Category 2 priorities which will:
      - be determined within 10 working days;
      - reduce enforcement action time scales from 8 weeks to 20 working days in most cases and
      - include a fortnightly review of progress for those investigations that require further evidence to be gathered.
    - Category 3 priorities which will:
      - be determined within 15 working days;
      - reduce enforcement action time scales from 6 months to 25 working days in most cases and
      - include a fortnightly review of progress for those investigations that require further evidence to be gathered.
    - Category 4 priorities which will only result in the Council undertaking formal enforcement action if it considers it expedient to do so having regard to available resources. Any cases unresolved after a period of 9 months will be reviewed by the Development Manager to determine the appropriate action
  - Updated guidance in relation to national policy advice:
    - The 2012 National Planning Policy Framework (NPPF) and
    - Planning Practice Guidance – "Ensuring effective enforcement"

- 1.4 A draft of the Local Enforcement Plan has been the subject of consultation. The document has been made available on the Council's website and presented to the Planning Agents Forum. Agents verbally supported the clear 5 steps displayed in the Plan to investigate allegations, identifying whether a breach has occurred, testing the evidence of harm, consideration the action that could be taken and whether such action would be appropriate and proportionate. No written responses have been received.
- 1.5 The Local Enforcement Plan gives greater certainty to those involved with or impacted upon by development and can support confidence to invest in the District. The Local Enforcement Plan is a document that can be referred to when complaints are made about alleged unauthorised development and in Enforcement appeals to demonstrate the Council's approach to planning enforcement.

## **2.0 LINK TO COUNCIL PRIORITIES:**

- 2.1 An up-to-date Local Enforcement Plan will assist in managing enforcement proactively in a way that is appropriate to Hambleton. It will provide guidance on how the Local Planning Authority will take appropriate enforcement action to protect residents and the environment from the adverse impacts of unauthorised developments.

## **3.0 RISK ASSESSMENT:**

- 3.1 There are no significant risks associated with the recommendation.

## **4.0 FINANCIAL IMPLICATIONS:**

- 4.1 There are no significant financial implications in adopting the new Local Enforcement Plan.

## **5.0 LEGAL IMPLICATIONS:**

- 5.1 There are no significant legal implications in adopting the new Local Enforcement Plan.

## **6.0 EQUALITY/DIVERSITY ISSUES**

- 6.1 Equality and Diversity Issues and have been considered however there are no issues associated with this report.

## **7.0 RECOMMENDATION:**

- 7.1 That Cabinet approves and recommends to Council that the Local Enforcement Plan as attached at Appendix 2 be adopted.

HELEN KEMP  
DIRECTOR OF ECONOMY AND PLANNING

<b>Background papers:</b>	None
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