

Cabinet	
Meeting Date	22 September 2021
Report Title	Draft Planning Enforcement Strategy and Charter – April 2021
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	James Freeman – Head of Planning
Head of Service	James Freeman – Head of Planning
Lead Officer	Andrew Jeffers – Development Manager
Key Decision	Yes/No
Classification	Open
Recommendations	It is RECOMMENDED that the Planning Enforcement Strategy and Charter attached in Appendix I be agreed.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to invite Members to agree the revised draft Planning Enforcement Strategy and Charter following the undertaking of a formal 8 week public consultation process during May and June this year.

2 Background

- 2.1 The draft presented is a refresh of a previous Strategy and Charter adopted in April 2017.
- 2.2 The redraft has taken on board the Council's new Corporate Plan and the administration's priorities and reflects changes on how planning enforcement cases are handled with regard to new IT systems and database.
- 2.3 There is however, only limited changes to the legal and regulatory aspects of handling enforcement cases as there has been no significant changes to national planning regulations since the last refresh.
- 2.4 The planning enforcement service is a discretionary service and any cases should be handled proportionately with expected engagement and liaison with those who have undertaken unauthorised development or breaches of planning conditions etc.
- 2.5 Over the past 5 years, Councillors and Parish Councils have increasingly engaged with the planning enforcement service with high expectations on the ability of the service to handle cases expeditiously. The refreshed document is aimed at informing Councillors and the local community on managing their expectations and understanding how planning enforcement works given the constraints and regulations governing how cases are handled.

- 2.6 A protocol has been drafted in liaison with the Cabinet and Deputy Cabinet Member for Planning setting out the service expectations for handling Councillor and Parish Council requests and communication. The protocol emphasises the use of the Council's web site to submit formal complaints and the focus on ward members using the Council's available database to keep Parish/Town Council's informed on the progress of cases rather than diverting the limited service resource away from the direct planning enforcement function.

3 Proposals and comments received in response to consultation

- 3.1 The Draft Strategy and Charter was the subject of formal consultation with all Councillors' and Parish/Town Councils for an eight week period between 10 May 2021 to 5 July 2021. During this same period the document was also displayed on our website at several prominent locations including the "News and Your Council" webpage and the planning webpages inviting the public to submit any comments
- 3.2 A seminar/training session on planning enforcement was carried out with Councillors and the Parish / Town Councils to inform them of the strategy during the consultation period.
- 3.3 The consultation responses and any revisions to the document are included attached as an appendix to this report.
- 3.4 As a result of the formal consultation process comments were received from 7 parish councils including Bredgar, Dunkirk, Graveney with Goodnestone, Hartlip, Minster, Selling and Tunstall and one member of the public.
- 3.5 The issues raised by the Parish Councils tended to focus on the need for additional resources to support the enforcement service and by association concerns relating to timescales in dealing with cases and getting back to complainants and some general concerns about what is considered to be a "minor" breach .
- 3.6 At Appendix IV to the report is a table of all the comments received in full together with our response to the issues raised. Where considered appropriate the responses include agreed amendments to the draft document which have been included in the final draft at Appendix I.
- 3.7 Whilst understanding the concerns expressed by some Parish Councils, the service is expected under the National Planning Policy Guidance to take a proportionate approach to applying enforcement action and to proceed to investigate cases on the basis of trying to seek compliance by negotiation before considering to take formal enforcement action .

4 Alternative Options

4.1 Not to refresh the existing strategy. This is not recommended as the Strategy is out of date and does not reflect the current circumstances. The service whilst well regarded by many Councillors and Parish Council's, has on occasion been subject to criticism about either the lack of expediency in taking action or not taking action at all. Progressing with a refreshed Strategy and associated protocol provides an opportunity to both inform Councillors and Parish Council's on how the planning enforcement service operates and to manage their expectations and to guide the planning enforcement team on the efficient handling of cases where Councillors and Parish Council's become involved.

5 Consultation Undertaken or Proposed

5.1 Consultation was carried out over an eight week period between 10 May and 5 July this year with all councillors and parish/town councils and relevant publicity on our website pages seeking any public comment. Section III explains the proposed formal consultation arrangements for the Draft Strategy.

6 Implications

Issue	Implications
Corporate Plan	The Draft Strategy has referenced the Corporate Plan Priority 4: Renewing local democracy and making the council fit for the future and also reflects the ambition to ensure that the council plays a proactive role in reducing crime and antisocial behaviour.
Financial, Resource and Property	The Strategy and Charter has been drafted on the basis of the current resourcing level provided for the service.
Legal, Statutory and Procurement	The Draft Strategy and Charter reflects the regulatory and legal provisions involved in providing a planning enforcement service including human rights and equality issues
Crime and Disorder	The Strategy and Charter contributes towards handling unauthorised development and the potential for enforcement action with the aim of protecting communities and their environment.
Environment and Sustainability	The Strategy and Charter contributes towards protecting and improving the special natural and build environments within the Borough
Health and Wellbeing	There are no implications identified at this stage.
Risk Management and Health and Safety	The Strategy and Charter includes references aimed at protecting planning enforcement staff in the carrying out of their duties.

Equality and Diversity	The public sector equality duty requires decision makers to have due regard to the need to eliminate unlawful discrimination and advance equality of opportunity between people who do and do not share protected characteristics (including but not limited to age, disability, race and sex) right throughout the decision making process. The proposals in this report are about the way in which existing rules and decisions will be enforced and are therefore not expected to have a disproportionate positive or negative impact on any particular groups, but members will want to be conscious of this general duty as they consider the proposals..
Privacy and Data Protection	There are no implications identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: A Strategy and service Charter for Planning Enforcement – April 2021
- Appendix II: Procedure Note - Planning Enforcement – Ward Member and Parish Council Protocols
- Appendix III: Flow Chart – Process for Breach of Planning Control
- Appendix IV: Consultation comments and responses

8 Background Papers

None