

Policy and Resources Committee	
Meeting Date	16th October 2024
Report Title	Planning Enforcement Strategy – draft for adoption
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Paul Casey Team Leader – Planning Investigations
Classification	Open
Recommendations	1. Members are asked, following a recent consultation, to adopt the Planning Enforcement Strategy in order that it can be published and come into effect on 4 November 2024

1 Purpose of Report and Executive Summary

- 1.1 Members are requested to approve the Planning Enforcement Strategy so that it can be published and come into effect on 4 November 2024. The report taken to Planning and Transportation Working Group (PTPWG) on 17 September 2024 is provided at Appendix I. The draft minutes of the 17 September PTPWG meeting are provided in Appendix II

2 Background

- 2.1 The discussion at PTPWG involved noting the responses to the public consultation and the following recommendations by members have been considered and added to the draft strategy.
- Para 2.5 Expediency – added: Decisions to take enforcement action will be relayed to all borough councillors, in line with the current scheme of delegation.
 - Para 3.3 What we cannot investigate – added: dumping of waste on public land/ fly tipping and clarified waste crime.
 - Para 3.1 Reporting a breach – added: The best way to report a breach... and email and postal address for complaints. Also added a line regarding the Swale Planning Enforcement Website and information on how to access historic enforcement notices online.
 - All references to the Area of Outstanding Beauty changed to Kent Downs National Landscape.
 - Para 4.3 Formal action – added: Planning enforcement notices issued by the Council are kept on the planning register and are available to view on the Councils Planning website.

Appendix 2 Planning Enforcement Priorities – it was suggested that the pitching of caravans be moved to Category 1 from Category 2. Category 1 breaches are those that are irreversible once works have been undertaken and as such it is considered that the pitching of caravans on agricultural land should remain in Category 2 as the Council has suitable enforcement powers to ensure that any unauthorised development is actioned appropriately.

All references in the strategy to ‘complaint’ and ‘complainant’ have been changed to read ‘enquiry’ and ‘customer’. These change have been made to make distinction between corporate complaints and enquiries submitted to Planning Investigations that allege a breach of planning control.

3 Proposals

- 3.1 On 17 September 2024, PTPWG resolved that the draft Planning Enforcement Strategy be recommended to Policy and Resources Committee for adoption.

4 Implications

Issue	Implications
Corporate Plan	The strategy contributes towards our vision to provide a cleaner, healthier, more sustainable and enjoyable environment and to work with communities and outside bodies
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this Enforcement Strategy as it is being carried out by officers.
Legal, Statutory and Procurement	The relevant legislation in relation to planning is contained within the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and The Town and Country (General Permitted Development) (England) Order 2015 During the consultation a number of changes were made to legislation, including the introduction of Enforcement Warning Letters, immunity from enforcement action standardised to 10 years, restriction on appeals against enforcement notices and removal of our choice of appeal procedure for Lawful Development Certificates.
Crime and Disorder	The strategy contributes towards handling unauthorised development and the potential for enforcement action with the aim of protecting communities and their environment
Environment and Climate/Ecological Emergency	No implications identified.
Health and Wellbeing	No implications identified.

Safeguarding of Children, Young People and Vulnerable Adults	No implications identified.
Risk Management and Health and Safety	A robust and accountable planning enforcement regime helps preserve the integrity of the planning system.
Equality and Diversity	The strategy recognises the Public Sector Equality Duty as per sections 149 to 157 of the Equality Act 2010 and investigations undertaken will be mindful of and where appropriate reflect specific circumstances related to protected characteristics
Privacy and Data Protection	Data protection and privacy rules are set out in the consultation draft.

5 Appendices

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

- Appendix I: PTPWG report 17/9/24
- Appendix II: Draft minutes PTPWG 17/9/24