

Planning and Transportation Policy Working Group Meeting	
Meeting Date	17 September 2024
Report Title	Swale 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	<ol style="list-style-type: none"> 1. That PTPWG review the comments received on the draft Planning Enforcement Strategy and the proposed officer response, and to provide any further comments. 2. That PTPWG recommend the updated draft Strategy to Policy and Resources Committee for adoption.

1 Purpose of Report and Executive Summary

- 1.1 This purpose of this report is to invite members to review the updated draft Planning Enforcement Strategy following the undertaking of a formal 8 week public consultation process between February and April this year.

2 Background

- 2.1 An initial draft Enforcement Local Plan was presented to PTPWG on 25th January 2024. Officers updated the draft following member discussion, and it was then presented to Policy and Resources Committee on 7th February 2024. At this meeting it was resolved that the draft Strategy proceed to public consultation. The draft is a refresh of a previous strategy adopted in 2021.
- 2.2 The Strategy intends to provide clarity on the scope, capacity and parameters of planning enforcement, and to thereby effectively set expectations
- 2.3 The adoption of the Planning Enforcement Strategy benefits customers by reassuring the public and other public bodies that effective and proportionate practices are in place. It provides for consistent and targeted enforcement activity, whilst also supporting transparent and effective dialogue and understanding between the public, Councillors, and planning investigation officers.

2.4 There have been several changes to legislation since the draft went to consultation, and these are reflected in the attached draft at Appendix I.

3 Proposals and comments received in response to consultation.

3.1 The draft strategy was the subject of a formal consultation for an eight week period between 26 February 2024 to 22 April 2024. During this same period the document was also displayed on the Swale Borough Council website inviting the public to submit any comments. The consultation was also promoted via social media.

3.3 As a result of the formal consultation process comments were received from 4 parish/town councils, 1 Councillor and 4 members of the public

3.2 The consultation responses and subsequent proposed revisions to the Strategy are included as an Appendix II.

Consequently, PTPWG are asked

- to review the comments received on the draft Planning Enforcement Strategy and the proposed officer response, and to provide any further comments.
- To recommend the updated draft Strategy to Policy and Resources Committee for adoption.

4 Alternative Options Considered and Rejected

4.1 Not to refresh the existing strategy. The adoption of a refreshed enforcement strategy benefits customers by outlining effective practices and it will develop a transparent and effective dialogue and understanding between the public, councillors, and planning investigation officers.

To accept some or none of the proposed amendments to the consultation draft. This is not recommended, as the proposed changes are considered to appropriately reflect comments received.

5 Consultation Undertaken or Proposed

5.1 Consultation was carried out over an eight-week period this year with all councillors and parish/town councils directly invited to respond, and relevant publicity on our website pages and social media seeking public comment.

The consultation draft was informed by the views of PTPWG.

6 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 draft Enforcement Strategy as the consultation 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
Health and Wellbeing	No implications
Safeguarding of Children, Young People and Vulnerable Adults	No implications
Risk Management and Health and Safety	A robust and accountable planning enforcement regime helps preserve the integrity of the planning system.
Equality and Diversity	No implications
Privacy and Data Protection	No implications

6 Appendices

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

- Appendix I: Draft SBC Planning Enforcement Strategy 2024
- Appendix II: Consultation comments and responses