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## REVIEW OF PLANNING ENFORCEMENT

### 1 SUMMARY

- 1.1 This report contains the Review Committee project teams' observations and the information provided to them during their review of Planning Enforcement at Rochford District Council.

### 2 INTRODUCTION

- 2.1 It had been agreed during the previous Municipal Year that a project team would be established to look at this. Planning Enforcement had been the subject of a previous review by the Committee in 2006/07 and it was felt that it would be a useful exercise to revisit this topic.
- 2.2 A number of team meetings were held with the Assistant Director, Planning Services, and the Team Leader for Planning Enforcement.
- 2.3 The following report notes the thoughts of the Committee on what they have heard and also includes their recommendations.

### 3 GENERAL

- 3.1 It was unfortunate that the review coincided with the Authority going through a redesign of the way it worked as an organisation. In the course of a normal review, the project team would look at an existing service and make recommendations around areas that it thought could be improved upon for the benefit of the residents.
- 3.2 An effect of the redesign is that there is a new Assistant Director for Planning Services with a smaller planning team and, therefore, there has been a need to refocus the efforts of the team to ensure that the goals of the business can still be achieved.
- 3.3 The project team have, therefore, had to study the proposals for the way the team will work going forward rather than how the team had worked historically.
- 3.4 It has to be borne in mind that, other than in very specific situations, it is not a criminal offence to carry out work without planning permission or not in accordance with the approved plans. The authority has discretion to deal with breaches of planning control based on expediency.
- 3.5 The enforcement team have the following aim:-
- “To protect the character of the District from harm and ensure proposals for development are implemented in accordance with the approved scheme.”
- 3.6 There are currently 252 enforcement cases outstanding and whilst the team have performed well against the existing performance indicators there is a

feeling that there may have been a tendency to focus on casework that would be quick to resolve. The more complex cases, which were often in the Metropolitan Green Belt, were not progressed.

- 3.7 Whilst one of the roles of the Planning Enforcement Officers is to deal with reported breaches of planning control they also have to monitor the compliance with planning conditions on new development sites and undertake project work related to the Council's business plan. Below are the details of the new more focussed approach.

#### **Reported Breaches of Planning Control**

- 3.8 New inquiries will be triaged and the more significant breaches will be aligned with a clear priority route. As such, on a monthly basis each officer will identify 30 cases (as a guide) which are considered to be priority cases. During the month there will be an aim to review each case progressing forward to resolution. It should be noted that the complexity of cases is a key determinant on how quickly they can be resolved and many cases will be carried forward to the following month. By adopting this new working practice; those more complex cases will be progressed. This inevitably will mean that there will be some minor, less harmful, alleged breaches that will not be dealt with as a priority and complainants will be advised that the matter will be investigated but there may be a delay.
- 3.9 There will at times be reported breaches that are causing serious harm; unauthorised works to a listed building or those causing harm to neighbouring amenity or the environment. These cases will be added to the officer's monthly case load and dealt with accordingly.
- 3.10 If a planning breach is identified, the landowner and/or operator will be provided with the opportunity to rectify the breach or apply for planning permission if this is considered to be the most appropriate route. Some minor breaches, for example, neighbouring fences over 2 metres or minor domestic development will be considered against set criteria and in most cases no action taken. The landowner/operator and complainant will be advised that planning permission is required but no further action will be taken by the team.
- 3.11 Serious breaches, however, will not be tolerated and there will not be protracted periods of negotiation. The team will consider the issuing of an enforcement notice to protect the character of the District with a degree of urgency.

#### **Monitoring of new development**

- 3.12 The role of development monitoring has become more important owing to the number of new housing developments that have either been approved or are coming forward within the next couple of years. Conditions are imposed on new developments to minimize the impact of the development on the

surrounding area and the public have the right to expect that planning permissions should be implemented as approved.

- 3.13 The enforcement team will work to ensure that approved schemes are implemented in accordance with the approved scheme and conditions. Where conditions have not been discharged and development commences the enforcement team will consider whether formal action will be taken in order to achieve compliance.

### **Project work**

- 3.14 To align the work undertaken by planning to the key objectives of the business plan there will be an assimilation of the work flowing from this that can be progressed using planning enforcement. The business plan supports a project that seeks to reuse empty buildings and remedy untidy sites.
- 3.15 During the next 12 months this will form a part of the key service delivery and account for 20% of officer time.
- 3.16 In other cases planning breaches can be dealt with more effectively if a generic approach is adopted. For example rather than targeting one or two unauthorised adverts in the town centres, a survey of all the advertisements in the town centre will be conducted and all those identified as unauthorised will be contacted and requested to resolve the breach. This blanket approach to breaches removes complaints from transgressors of an imbalanced approach to investigating breaches and sends a strong message through the district of what level of compliance with the regulations is expected.

### **Other Changes**

- 3.17 It is the intention that the enforcement officers will adopt a strategy for working collaboratively with other stakeholders. It is often the case that reported planning breaches will involve matters that fall under the jurisdiction of other governing bodies e.g. Essex County Council, the Environment Agency and neighbouring authorities. Working together and sharing information enables a more focused approach to resolving breaches. The coordination of any formal action is more effective if all parties work in a collaborative manner.

## **4 CONCLUSION**

- 4.1 The changes in the size of the Planning Enforcement team has meant that there has needed to be a change in the way the team deal with the Planning Breaches that are reported to it and the other duties that the team need to fulfil. It is difficult for the project team to review something when it is only just being implemented and for that reason the project team feel that it would be useful to look at the situation in 6 months time to assess the changes that have been made.
- 4.2 In the meantime the performance indicators need to be revisited due to the change in man power and functions.

- 4.3 There is still the concern that Members do not know about what cases are outstanding or are being dealt with and, therefore, the report contains a similar recommendation to that made in the Review Committees report on Michelins Farm around some form of quarterly reporting.

## 5 RECOMMENDATION

- 5.1 It is proposed that the Committee **RECOMMENDS** to the Executive that:-
- (1) Members should receive a quarterly report on outstanding enforcement cases.
  - (2) The performance indicators for Planning Enforcement are revisited to ensure they reflect current circumstances and practice.
- 5.2 It is proposed that the Committee **RESOLVES** to receive an update on Planning Enforcement in six months time to examine what effect the new approach has had on the number of outstanding Planning Enforcement cases.

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