

PLANNING COMMITTEE

22 NOVEMBER 2023

REVISED PLANNING ENFORCEMENT POLICY

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Adam Bryan, Director of Place

Author: Alison Munck, Senior Enforcement Officer and Dave Harris, Chief Planning Officer

Summary

This report introduces a Planning Enforcement Policy. The Planning Committee is asked to note the Policy and recommend to Cabinet and Full Council.

1. Recommendation

1.1 The Planning Committee is asked to note the updated Planning Enforcement Policy 2023 as set out in Appendix A of this report and is recommended to ask Cabinet and Full Council to approve the document.

2. Suggested reasons for decision

2.1 The updated Planning Enforcement Policy 2023 sets out updated service standards in accordance with up-to-date, relevant legislation, which in turn will improve the Council's position in dealing with complaints and enforcement investigations.

3. Budget and policy framework

3.1 The Planning Enforcement Policy sets out the Council's approach to dealing with suspected breaches of planning control and is consistent with the budget and policy framework.

3.2 Approval of the Planning Enforcement Policy is a matter for Full Council.

4. Background

4.1 The Council has adopted its Council Plan for the period of 2023- 2024. The Planning Enforcement Policy seeks to update the existing Planning Enforcement Policy dated 2017 and provide an explanation of the planning enforcement process in accordance with the commitments set out in the

Council Plan. It provides guidance on what types of breaches are covered by planning legislation and the different forms of action available to the Planning Service and when it is appropriate to implement these actions.

5. Options

- 5.1 The options available to the Council are to update the Planning Enforcement Policy or not.
- 5.2 The Council's Planning Enforcement Policy must be updated to reflect current and established practice and legislation. Not updating the Policy could lead to the Council being in a weaker position with regard to their defence against complaints.

6. Advice and analysis

- 6.1 The Policy would replace the existing Planning Enforcement Policy 2017 providing up-to-date information as to the processes applied by the Planning Service and advice as to the enforcement options available with regards to taking formal action. The Cabinet will be asked to note the Policy as set out in Appendix A and to recommend to Full Council to agree the updated Planning Enforcement Policy 2023.
- 6.2 A Diversity Impact Assessment has been completed and is attached at Appendix B.

7. Risk management

- 7.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of the services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Out of date information in the Council's Enforcement Policy	The existing Planning Enforcement Policy is out of date and there is a risk that the Council could be asked why it is operating different arrangements.	An updated Planning Enforcement Policy has been produced for approval full Council.	BIV

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

- 8.1 As a policy relating to service delivery and processes in accordance with Planning Legislation, no public consultation has been carried out.
- 8.2 The policy will be submitted to Cabinet and then on to Full Council for final consideration and approval.

9. Climate change implications

- 9.1 To not take appropriate Enforcement Action could have implications for climate change, particularly where this relates to unsustainable unauthorised development, development that is harmful to air quality or non-compliance with planning conditions relating to climate change and energy efficiency.

10. Financial implications

- 10.1 There are no financial implications arising from this report.

11. Legal implications

- 11.1 The updated Planning Enforcement Policy 2023 will clearly set out the processes followed by the Planning Service for the Council's customers in the context of up-to-date planning legislation and policy.
- 11.2 The updated Planning Enforcement Policy 2023 will also help the Council defend its position with regards to complaints.

Lead officer contact

Dave Harris Chief Planning Officer

Email dave.harris@medway.gov.uk

Appendices

Appendix A – Planning Enforcement Policy

Appendix B – Diversity Impact Assessment.

Background papers

Council Plan 2023-24 https://www.medway.gov.uk/info/200387/council_plan