

Council

24 January 2024

Revised Planning Enforcement Policy

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

Report from: Adam Bryan, Director of Place

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Summary

This report introduces a revised Planning Enforcement Policy. The Council is asked to approve the Policy.

The report was considered by the Planning Committee on 22 November 2023, the minutes of which are set out at section 6 of the report and by the Cabinet on 19 December 2023, the decision of which is set out at section 7 of the report.

1. Recommendation

1.1 The Council is requested to approve the Planning Enforcement Policy 2023.

2. Budget and policy framework

2.1 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.

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

3. Background

3.1 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.

4. Options

- 4.1 The options available to the Council are to update the Planning Enforcement Policy or not.
- 4.2 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.

5. Advice and analysis

- 5.1 The Planning Enforcement team comprises 3 officers covering the whole of Medway and a separate officer dealing specifically with Derelict and Empty Properties. In the early 2000's the planning enforcement team had 6 officers and there was a separate team in Housing dealing just with Empty properties. The restructures that took place as part of better for less around 2010 to deal with the austerity measures following the financial crash meant the Planning Enforcement team went down to just 2 members of staff (it was increased back to three officers, a year ago) and the Empty properties team was disbanded. The limitations of staff resources emphasises the need to focus on prioritisation of cases as referenced in the Policy document.
- 5.2 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 noted the Policy as set out in Appendix A and recommended to Full Council to agree the updated Planning Enforcement Policy 2023.
- 5.3 A Diversity Impact Assessment has been completed and is attached at Appendix B.

6. Planning Committee

- 6.1 The report was considered by the Planning Committee on 22 November 2023. The draft minutes of this are as follows:
- 6.2 The Chief Planning Officer introduced a revised Planning Enforcement Policy and explained the Planning Committee was asked to note and comment on the Policy and recommend that Cabinet and Full Council approve the document.
- 6.3 The Chief Planning Officer explained the document was originally produced in 2008 and revised in 2018 and it was now appropriate to make minor amendments. The Planning Enforcement Policy was set out on pages 117 to 124 of the report.

6.4 Decision:

The Committee noted the report as set out in Appendix A and asked Cabinet and Full Council to approve the document.

7. Cabinet

7.1 The Cabinet considered the report at its meeting on 19 December 2023 and its decision is set out below:

7.2 The Cabinet noted the updated Planning Enforcement Policy 2023, as set out in Appendix A of the report and recommended it to Full Council for approval.

8. Risk management

8.1 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	I Catastrophic
B Likely	II Major
C Unlikely	III Moderate
D Rare	IV Minor

9. Consultation

9.1 As a policy relating to service delivery and processes in accordance with Planning Legislation, no public consultation has been carried out.

9.2 The policy has previously been submitted to the Planning Committee and to the Cabinet and is now being presented to Full Council for final consideration and approval.

10. Climate change implications

- 10.1 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.

11. Financial implications

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

12. Legal implications

- 12.1 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.
- 12.2 The updated Planning Enforcement Policy 2023 will also help the Council defend its position with regards to complaints.

Lead officer contact

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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