



**Prosperous Communities
Committee**

Tuesday 12th September

Subject: Local Enforcement Plan (Planning Enforcement) Review

Report by:

Director of Change Management, ICT &
Regulatory Services

Contact Officer:

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Purpose / Summary:

To seek approval for the update of the Local
Enforcement Plan (Planning Enforcement)

RECOMMENDATION(S):

Committee are asked to agree that:

- a) The revised Local Enforcement Plan (Planning Enforcement) as shown in appendix 1 is approved and implemented.
- b) The revised Customer Charter, as shown in appendix 2 is approved and implemented.
- c) Any future minor policy housekeeping amendments can be made by the Director – Change Management, ICT and Regulatory Services following consultation with the Chair of this Committee.

IMPLICATIONS

Legal:

The legal framework within which the Council operates its planning enforcement function is set out in the policy. The following guidance and legislation applies:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Use Classes) Order 1987 (as amended)
- Planning (Listed Buildings & Conservation Area) Act 1990
- Planning & Compensation Act 1991
- Planning & Compulsory Purchase Act 2004
- Localism Act 2011
- National Planning Policy Framework (March 2010)
- National Planning Practice Guidance (March 2014)
<https://www.gov.uk/guidance/ensuring-effective-enforcement>

Financial: FIN/49/24/MT/SL

There are no financial implications within this report.

Works in default may be carried out as part of the enforcement process Any works in default are then recovered via the enforcement or civil debtor process.

Staffing:

There are no staffing implications within the report.

Equality and Diversity including Human Rights:

There are not expected to be any adverse impacts on any of the specific user groups in relation to this policy being implemented.

The Policy itself sets out the approach that will be taken and the options available to the Council. Within each specific case

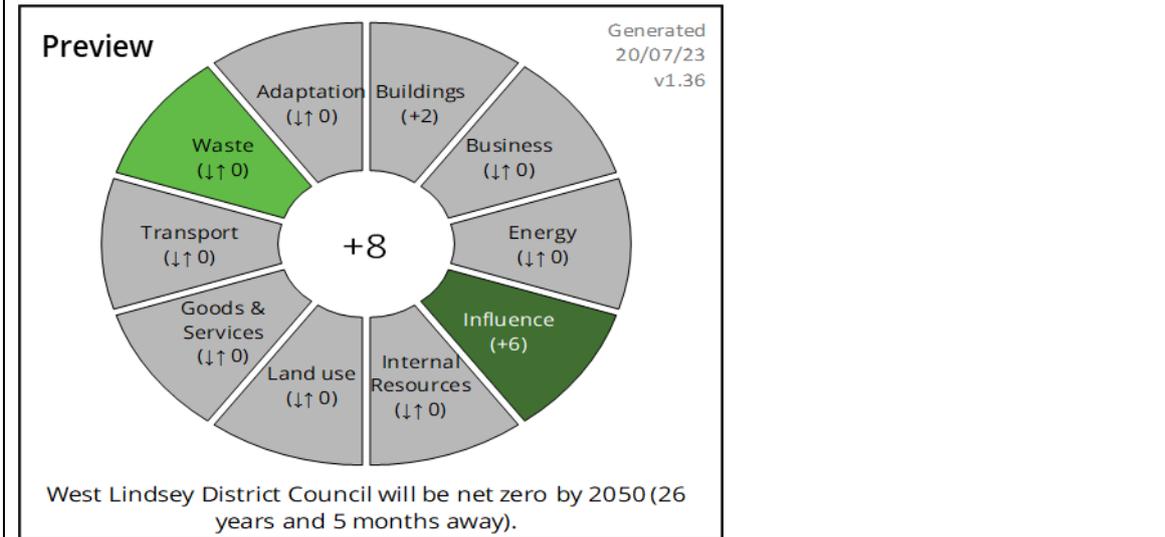
Data Protection Implications:

None noted.

Climate Related Risks and Opportunities:

Effective planning enforcement controls will help to ensure that certain climate related risks could be mitigated. For example this could be in the form of a planning condition specifically related to an environmental impact or in the form of an unauthorised development that has an adverse environmental impact.

The Policy also sets out to the wider community and other stakeholders that the Council has an agreed approach on these matters and can take action if required to resolve them.



Section 17 Crime and Disorder Considerations:

Certain planning enforcement breaches can be dealt with as criminal offences and this policy seeks to ensure that the Council has a framework in which to pursue such offence and deal with them if necessary.

Health Implications:

None noted.

Title and Location of any Background Papers used in the preparation of this report:

Slides and Notes from Workshop – held by Housing & Environmental Enforcement Manager

Risk Assessment:

Out of Date Policy: the existing policy requires updating to reflect the current legislative framework and priorities that are in place. The risk is mitigated with the development and approval of a new policy.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

x

No

1. Introduction

1.1. This report contains an updated version of the Council's Local Enforcement Plan (Planning Enforcement Policy). This sets out the approach that is taken when dealing with planning enforcement matters.

1.2. This report was previously approved by Committee in 2018 and as a result is due for review and update. The report also contains an updated version of the "Customer Charter", which is a smaller document, used to inform customers as to what they can expect from the service when they make a report of a perceived planning enforcement breach.

2. Service Scope

2.1. **In 22/23 the main performance elements of the service were as follows:**

- **292 requests for service** (Average of 270 over the last five years)
- **82.5% of cases closed** within six months
- **87% of cases provided with initial response** within 20 working days
- **365 cases closed**
- **No breach identified in 53%** of cases and breach rectified in a further 25% of cases
- **21 formal notices served**
- **102-day case closure average**
- **Nine Corporate complaints received**, one fully upheld and one where some fault was identified.
- **Two full time equivalent officers**

3. Local Enforcement Plan

3.1. The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. The plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

3.2. The updated Local Enforcement Plan for West Lindsey District Council is attached at appendix 1 and the revised Customer Charter is attached at appendix 2.

4. Feedback from Councillor Workshops

4.1. In July 2023 two Councillor workshops were held. The notes from these workshops and information slides are available on request but the main activities are summarised in the following sections. It should be noted that Councillors provided some excellent feedback in relation to the Council's approach to planning enforcement.

4.2. The workshop included feedback from three activities as follows:

- **Activity 1: What are your likes and dislikes in regard to the current policy approach in the Local Enforcement Plan?**
 - Generally, there was a concern about the scope and ability to check planning conditions, particularly on those sites where there has been a contentious decision, or a planning condition added to deal with a specific issue. Suggested that this could be a joint approach from planning and planning enforcement.
 - A general feeling that in some cases planning conditions were not enforced to their full effect and that this presents a poor picture to residents.
 - Would like to see enhanced monitoring of developments or permissions which are large or contentious.
 - The policy could contain a reference to how we deal with vexatious or continual complainers to ensure that the public know our position on this.

- **Activity 2: Do you agree with the current timescales for responses that are within the Plan?**
 - The consensus across both sessions was that the timescales for response were acceptable.
 - Suggested that the course of action timescale for a medium priority case be lowered to 15 working days. This was on the basis that it should reflect that it is more important than a low priority case, which sat at 20 working days.
 - Response timescales should be made clear in the customer charter.
 - Feedback given on the customer charter to ensure that it directs customers where to go if the matter is not for planning enforcement to deal with.

- **Activity 3: Do you have any other suggestions as to how we can improve the service provided for planning enforcement?**
 - Requested that bi-monthly, all Councillors should see a report of what types of matters officers are dealing with or have dealt with to keep them up to speed with the types of issues being faced.
 - Information given relating to persons house insurance which can often include legal cover, which could be used if there was particular boundary dispute or a civil matter.
 - Suggested that some sort of visible case management system would be of benefit to persons that have logged complaints. One which they could track the case on to understand what stage it was at and feel updated.
 - Concerns about staffing levels and resources were raised, particularly in regard to the retention of staff and their continuity.
 - General feeling that the minority of persons seek to avoid planning regulations and that is where the Council should be focussing its efforts.

5. Policy Changes

5.1. The following amendments have been made to the Local Enforcement Plan:

- Where appropriate, references to legislation or guidance that has altered have been updated. This does not mean that the legislation or guidance itself has changed, just that its location has changed.
- Reference to the newly approved Central Lincolnshire Local Plan has been added as part of the legal framework.
- The course of action timescale for a medium impact case has been amended from 20 working days to 15 working days. This is aimed at recognising the greater impact of the medium level cases.
- An additional reference to the Customer Feedback Policy and unreasonable or vexatious complaints has been added at 9.2

5.2. The workshops also identified additional areas of improvement that could be made, which are not directly linked to the policy. These suggestions will be considered as part of the service improvement review under the T24 process that is due to commence in early 2024 for this work area.

END