

Introduction

Members workshops took place on 21st February 2022 and 26th April 2022 for the purpose of developing and refining the Planning local Enforcement Plan. Both workshops followed a similar format involving an interactive presentation. Members were first presented a background to planning enforcement including: the scope of the service; national policy; how breaches of planning control and criminal investigations are conducted; as well as an introduction to current policy.

Members were asked what feedback they were receiving from customers, and this was compared to what officers were being told by both complainants and contraveners. The balance between complainants and contravener's expectations were then explored. A summary of the outcomes of the 2018 policy was provided with information on number of cases and resolution times. Members were asked what our priorities should be for complainants and contraveners and any feedback on communications. Suggestions were made by officers on what the service could do and suggested changes. Comments on these issues were requested. Suggested reasons for expediency were presented and comments welcomed. Any recommendations on proactive projects, in addition to conditions monitoring, when capacity was created for the team was also requested.

Participants

Councillor Littman
 Councillor Theobald
 Councillor O'Quinn
 Councillor Hugh-Jones
 Councillor Pissaridou
 Councillor Simson
 Councillor Grimshaw
 Councillor Appich
 Councillor Ebel
 Councillor Osborne
 Councillor Bagaeen
 Councillor Fishleigh

Summary of feedback from workshops and response within the Planning Local Enforcement Plan

General Feedback

Feedback	Response
Specific queries raised regarding current/ recent enforcement cases and the steps being taken to address breaches.	General explanation provided in Planning Local Enforcement Plan about how planning breaches will be investigated and resolved.
The perception is that the longer the investigation takes it will not progress and the case will be closed.	Clarification provided in the Plan that cases can sometimes be lengthy but additional points of when communications will take

	place have been identified to assist.
Clarity required on the use of stop notices.	Explanation as to what is a stop notice and when they can be used provided within the Planning Local Enforcement Plan
What are the penalties of not complying with the notice – are they effective?	The Planning Local Enforcement Plan makes clear the penalties of non-compliance and for the first time identifies the public interest test for prosecutions. It is anticipated that this will assist in the effectiveness of notices and compliance.
Concern raised regarding permitted development and the use of permitted development rights (and similar) to prevent enforcement action being taken.	Explanation within the Planning Local Enforcement Plan on some of the limitations of Planning Enforcement including that it is not an offence to knowingly breach planning control. The Plan explains generally what can be undertaken without planning permission but also when it is not expedient to take action in order to manage expectations.
Perception is that a planning application should be submitted for a breach of planning control.	The Planning Local Enforcement Plan explains the scenarios when a retrospective application will be invited.
How effective is enforcement (for example how often are people required to remove unauthorised structures)?	The Plan identifies that the role of planning enforcement is to remedy harm caused by breaches of planning control and this can be through negotiation or through formal notice.

Timescales and priorities

Feedback	Response
Concern about the lack of interaction between complainant and officer after a complaint has been lodged. Consider 8 weeks too long to wait for any feedback.	Timescales provided in the Planning Local Enforcement Plan for initial update after an initial check has been made to overcome this issue. The timescales for initial interaction is reduced from 8 weeks to 15 working days.
Recognise there is a need to change priorities to take into account resources. There is potential to change current level 2. Noise and	Priorities have been modified in the Planning Local Enforcement Plan with a greater emphasis on

environmental impact should be given greater priority particularly as it can affect people's health.	subdividing level 2 and reflecting impact on people's health by virtue of a breach.
More information is required on timescales as some cases do take considerable time and residents are not aware of what is taking place.	Timescales provided in the Planning Local Enforcement Plan for initial update after an initial check has been made as well as subsequent updates. The Plan also provides some explanation as to what is involved in a case and how an investigation is conducted to help explain what is involved and why timescales, in some cases, can be lengthy (for example if planning application/ appeals and other factors are involved).
Investigations should take less time than 8 weeks	The Planning Local Enforcement Plan introduces a desk top initial assessment and together with a change in priorities will assist in the time taken for cases which have a higher priority and greater impact.

What more can we do

Feedback	Response
Communications are an important part of understanding enforcement, including improving website content and communicating in a way which is understandable. This should result in a more proactive service.	The Local Enforcement Plan will be available on the website, but there will also be further communications to help better communicate about planning enforcement.
Need to be clear about how different departments work together particularly when the breach is complex. There is a need for regular updates from different departments and next steps.	The Planning Local Enforcement Plan introduced a desk top initial assessment and early feedback to complainants. Specific reference has also been made about working with other departments and how complaints across different departments will be handled.
Provide information on how many complaints are received by ward.	Planning Local Enforcement Plan Report addresses reporting.
It is not clear why negotiations take place on one site and not on another and how cases are resolved. Can this be through mediation between complainant and contravener?	Planning Local Enforcement Plan encourages contact between complainant and contravener before contacting the Local Planning Authority if at all possible. If such communication has broken down, which is often the case, the Plan explains how an investigation is

	conducted and clarification is provided as to when negotiation will be used and when enforcement action will be taken.
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Expediency

Feedback	Response
Need to be clear on the meaning of expediency and concern raised regarding how decisions regarding expediency are reached and what is and what is not reasonable in terms of expediency.	Planning Local Enforcement Plan includes a section providing more information on expediency. This takes into account legislation and case-law.

Proactive projects

Feedback	Response
Providing communities a way in which they can assist, by encouraging a general improvement of the areas that can be seen by the public. Target specific streets and give guidance on how to approach the project.	This approach to looking at geographical areas is included as a potential future project.
Look at other examples such as “save our front gardens” campaign as this is already happening in the area.	This type of project can assist in a proactive project where a type of breach has been identified that needs to be targeted proactively.
Short term holiday lets are becoming more prevalent.	Included as a potential project in the report.