

PLANNING ENFORCEMENT SUB-COMMITTEE

DATE OF MEETING: 15 JANUARY 2024

TITLE OF REPORT: PLANNING ENFORCEMENT UPDATE

Report of: Executive Director – Place

Cabinet Portfolio: Development Management and Community Safety

Key Decision: No

Confidentiality: Non-Exempt

PURPOSE OF REPORT

1. To provide the Planning Enforcement Sub-Committee with an update on a number of current planning enforcement cases.

RECOMMENDATION

2. That Planning Enforcement Sub-Committee notes the updates of the cases as set out in Appendix 1.

BACKGROUND

3. The Council has a duty to investigate complaints about development, including building and engineering works and changes of use, that may have been carried out without the necessary permission or consent.
4. Effective planning enforcement is a useful tool in tackling breaches that would otherwise have had an unacceptable impact on amenity in the district and to help maintain the integrity of the development management process.
5. There are a range of enforcement powers available to the Council, however whether the Council takes any enforcement action is a discretionary matter. When considering taking any formal action the Council must consider if it is expedient to do so having had regard to the Development Plan and any other material considerations including the Local Enforcement Plan. It is also necessary to weigh up in each case whether taking Enforcement Action is in the public interest.
6. Taking formal Enforcement Action should be regarded as a last resort and many breaches of planning control can be resolved informally without action being taken. For example, retrospective planning permission can be obtained, or Officers may be able to negotiate to ensure the breach cease.
7. Councillors are often the public face of the Council and Member involvement in planning matters is crucial in maintaining an effective enforcement service. This report has therefore been prepared to provide an update on a number of cases.
8. Whilst taking formal enforcement action by serving Enforcement Notices or other actions can be high-profile what often gets overlooked is the amount of work involved in collaboratively resolving cases without the need for formal action which has resulted in a breach ceasing or being regularised.

OVERVIEW

9. There are currently 190 live cases pending consideration and 45 cases with notices issued.

10. The team are extremely busy and in the last six months have issued:

- 5 x Planning Contravention Notices (PCNs),
- 1 x S215 Notice, and
- 3 x enforcement notices.

11. Prior to Christmas there was a four-day public inquiry relating to an appeal against an enforcement notice. There are a further 7 live appeals relating to enforcement notices.

MATTER ARISING FROM THE REPORT FOR THE JUNE SUB-COMMITTEE

12. There was an error in the June 2023 Committee report, on page 12 relating to number 7 Castle Bridge Cottages North Warnborough, the report stated:

'At the time of writing this report I have been unable to contact the owner to arrange a mutually convenient time and date to conduct a site visit, despite writing and leaving phone messages.'

13. It is agreed that the owner did reply by email to the Officer copying in Councillors Dorn, Hale and Kennett and the Development Management & Building Control Manager. Photographs of the property were provided on 15 June 2023.

ACTION

14. It is recommended that the Committee notes the contents of this report.

Appendices

Appendix 1: Update on planning enforcement case.