

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Review of Planning Enforcement

Meeting/Date: Overview and Scrutiny Panel (Environmental Well-Being) –
14th April 2015

Executive Portfolio: Cllr Doug Dew, Executive Councillor for Planning and
Strategic Housing

Report by: Planning Service Manager (Development Management)

Ward(s) affected: All

Executive Summary:

At the meeting in February the Panel requested that a report on Planning Enforcement should be submitted to a future meeting and that the Executive Councillor should be invited back to discuss the matter further at that time. A detailed review of Planning Enforcement has been taking place since the end of last year following officers receiving training in carrying out Lean Thinking service reviews.

The background to and methodology for the review is described in this brief report and the intention is to present a detailed report to this Panel and the Development Management Panel when the review has been completed in the summer of this year, at either the July or September meetings.

Recommendation:

That the contents of this report are noted.

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1. WHAT IS THIS REPORT ABOUT?

- 1.1 At its meeting on 4th February 2015 the Panel discussed a report on the Corporate Plan – Performance Management for Quarter 3. Minute 59 notes that Members commented on the growing number of complaints they were receiving from Parish Councils about enforcement. The Panel were informed that the Cabinet was currently considering the Council's whole range of enforcement activities with a view to making improvements. The Panel requested that a report should be submitted to a future meeting and that the Executive Councillor should be invited back to discuss the matter further at that time.
- 1.2 An in depth review of the Planning Enforcement function started at the end of last year following the Development Management Team Leader (Planning Enforcement) receiving training in Lean Thinking service review techniques along with a significant number of other officers. Lean Thinking is one of six ways which the Council will use to work towards its ambition to reduce progressively its reliance on central government funding to create a sustainable financial platform. Lean Thinking finds ways to work more efficiently, eliminate waste and maximise benefits for customers.
- 1.3 Completion of the Lean Review will enable a detailed and reasoned analysis to be presented to Members and it is proposed that reports are presented to a future meeting of this Panel and the Development Management Panel which usually receives an annual report on Planning Enforcement.

2. BACKGROUND

- 2.1 In common with most local planning authorities, Planning Enforcement at Huntingdonshire District Council is part of the Development Management function. Officers in Development Management service deal with applications for the various types of planning approval and a separate team within this service investigates and deals with breaches of these controls.
- 2.2 The planning enforcement powers conferred by the Town and Country Planning Act are discretionary, to be used in the words of the Act when it is 'expedient' to do so. Local Planning Authorities are not therefore statutorily required to provide an enforcement service or indeed to investigate breaches of planning control and they are not obliged to take enforcement action in respect of any identified breach.
- 2.3 The reasons for enforcing planning control are however set out in government policy. The National Planning Policy Framework 2012 sets out the government's planning policies for England. Paragraph 207 says:
"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so".
- 2.4 More detailed guidance set out in the Planning Practice Guidance published by the Government in 2014 says that effective enforcement is important to:

- (i) tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- (ii) maintain the integrity of the decision-making process;
- (iii) help ensure that public acceptance of the decision-making process is maintained.

3. FUTURE TIMETABLE AND PROCESSES

- 3.1 No options have yet been considered as this is part of the ongoing Lean Review process which involves five stages:
 1. Defining the issues and project goals.
 2. Measuring by collecting data and identifying critical quality requirements.
 3. Analysing the issues, evaluating options and mapping the desired future pattern of service provision.
 4. Improving the service by developing potential solutions.
 5. Controlling the improvement by documenting the new process, monitoring criteria and proposals for ongoing review.
- 3.2 Four sets of issues and goals have been identified for the review by the Head of Development.
- 3.3 Objectives - the need for a clear statement of objectives to:
 - allocate resources and establish a basis for delivering the service;
 - ensure that enforcement is consistent and proportionate;
 - enable the Council's Planning Enforcement Policy to be updated.
- 3.4 Resources - the need to use resources in the most effective and efficient way. All Council's face increasing budget constraints through proposed reductions in their grant from Central Government and pressure to limit Council Tax increases. The future shape of council services is therefore under continual scrutiny. The Council also has an aspiration to reduce its dependence on government grants and in 2015/16 the Development Service will be undergoing zero-based budgeting for 2016/17.
- 3.5 Prioritisation and workloads – the need to set and adhere to clear priorities in the use of resources. Unlike planning applications for which there are nationally set performance targets, there are no such targets for planning enforcement. The caseload is made up broadly of simple cases that can be resolved quickly; medium complexity cases which take longer to resolve by negotiation and complex cases requiring ongoing investigation and sometimes legal action. The service is experiencing growing workloads and a growing backlog of cases.
- 3.6 Transparency - the need to be fair and open in case outcomes. The Council does not currently publish information about enforcement cases on its website. It does maintain a statutory register of formal enforcement actions but this is only available for inspection at Pathfinder House.
- 3.7 The review involves seeking the views of key stakeholders including some external to the Council, namely sample Town and Parish Councils (and the Ward Members for those Councils), complainants, people who have been the subject of complaints and other agencies.
- 3.8 From the breadth of the review it is clear that it will take some time to complete and the work is being undertaken by enforcement officers in addition to their day to day work. A full report will be made to this Panel and to the

Development Management Panel as soon as possible. It is currently envisaged that this will take place in the summer of this year, at either the July or September meetings.

4. RECOMMENDED DECISION

4.1 Members are recommended to note this report.

BACKGROUND PAPERS

None.

CONTACT OFFICER

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