

**Classification:** Public  
**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Strategic Environment Cabinet Committee  
**Date:** 9 December 2021  
**Reporting officer:** Service Manager (Planning)  
**Subject:** Draft Planning Enforcement Strategy

### **Purpose and summary of report:**

To report a draft planning enforcement strategy (Appendix 2) to the Committee and to seek the Committee's views.

### **Recommendations:**

1. That the Committee endorse the draft planning enforcement strategy.

## **1. Introduction and draft Planning Enforcement Strategy**

- 1.1 The Council recognises the importance of establishing effective controls over unauthorised development. This is to help preserve and enhance both the built and natural environment, to protect public amenities and the wellbeing of residents.
- 1.2 However, the Council as a Local Planning Authority has to be reasonable in its approach and has the discretion to take enforcement action when it is considered expedient to do so. When taking enforcement action, the Council has to have regard to the development plan and any other material considerations, such as the National Planning Policy Framework (2021), as well as the European Convention on Human Rights.
- 1.3 The Government requires that any breach of planning control should be handled in a fair and proportionate manner. Whilst there may be a clear public interest in enforcing planning law and regulations when deciding whether enforcement action is taken, the Government's Planning Practice Guidance advises that Local Planning Authorities should also consider:
  - the potential impact on health, housing needs and welfare of those affected by the proposed action; and
  - the potential impact on health, housing needs and welfare of those who are affected by a breach of planning control.

- 1.4 As part of the proportionate approach to planning enforcement, there is an expectation that the Council will engage and liaise with those who have undertaken unauthorised development or breaches of planning conditions etc. in the first instance, before progressing to more formal stages of enforcement (subject to the harm caused by any potential breach of planning control).
- 1.5 The time limits for taking enforcement action are set out in section 171B of the Town and Country Planning Act 1990. In most cases, development becomes immune from enforcement if no action is taken:
- within 4 years of substantial completion for a breach of planning control consisting of operational development;
  - within 4 years for an unauthorised change of use to a single dwellinghouse;
  - within 10 years for any other breach of planning control (essentially other changes of use).
- 1.6 Councillors and Parish Councils, as well as residents, have increasingly engaged with the planning enforcement service with high expectations on the ability of the service to handle cases expeditiously. As such, officers have prepared a draft planning enforcement strategy (Appendix 2), based on feedback received from the Committee in September 2022. The strategy is aimed at increasing awareness amongst Councillors and the local community with regards to what enforcement powers the Council has, as well as managing their expectations and providing clarity on how cases are handled.
- 1.7 The Planning Enforcement Strategy will also fulfil the NPPF's requirement for Local Planning Authorities to consider publishing a local enforcement plan. Which as set out in Planning Practice Guidance, is useful because it:
- *allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;*
  - *sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;*
  - *provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;*
  - *provides greater certainty for all parties engaged in the development process.*

## **2. Next Steps**

- 2.1 Subject to comments made by the Committee and Members endorsing the strategy, the document would be formatted in line with the Council's agreed branding and a summary guide produced. Followed by formal adoption and the documents being published on the Council's website.

## **3. BACKGROUND PAPERS**

- 3.1 There are no background papers pertaining to this report.



IMPLICATIONS	APPENDIX 1
<b>Legal</b>	The Council as a Local Planning Authority has powers to deal with unauthorised development and breaches of planning control. The use of these powers in many instances (as set out in the strategy) is discretionary.
<b>Finance and Value for Money</b>	No change to existing agreed budgets.
<b>Risk Assessment</b>	There are no specific risks associated with the detail contained within the draft strategy.
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? No.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	The draft Planning Enforcement Strategy has cross cutting beneficial impacts in relation to the Corporate Plan, and objective #1 – People and objective #2 – Place
<b>Climate Change</b>	There are no direct implications resulting from this report, however enforcement action can contribute towards ensuring unauthorised development does not harm the environment and contribute towards climate change.
<b>Crime and Disorder</b>	There are no direct crime and disorder implications resulting from this report.

<b>IMPLICATIONS</b>	<b>APPENDIX 1</b>
<b>Digital and website implications</b>	Once approved, there will be a requirement for the Strategy and quick guide to be published on the Council's website.
<b>Safeguarding children and vulnerable adults</b>	There are no safeguarding children and vulnerable adults implications resulting from this report.