

REPORT TO COMMUNITIES P.D.G.

REPORT OF: Development Management Service Manager

REPORT NO: PLA980

DATE: 7 March 2013

TITLE:	Planning Enforcement Policy Consultation	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright (Portfolio: Economic Development)	
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INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Draft Planning Enforcement Policy National Planning Policy Framework	

1. RECOMMENDATIONS

- 1.1 It is recommended that Communities PDG considers the attached draft policy document and supports the publication of the policy for consultation prior to future adoption. The Cabinet will have to authorise the publication of the final draft for consultation.
- 1.2 The PDG is invited to comment on the draft policy.

2. PURPOSE OF THE REPORT

- 2.1 To inform Communities PDG of the draft Planning Enforcement Policy prior to consultation and adoption of this policy.

3. DETAILS OF REPORT

- 3.1 The National Planning Policy Framework (NPPF) which was published in March 2012 superseded the previous guidance on planning enforcement (Planning Policy Guidance 18). The NPPF (Paragraph 207) states that “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”.
- 3.2 In response to that guidance and to establish the key principles of planning enforcement at South Kesteven District Council, the attached document has been produced for initial consultation purposes.
- 3.3 The policy explains the key principles of proportionality, consistency, transparency and appropriateness when considering taking enforcement action. It establishes how breaches will be investigated and the protocol for dealing with enquiries or complaints. One of the key aspects of the policy is the “harm system” which is a mechanism for giving weight to alleged breaches of control to enable work and any subsequent action to be prioritised on a rational basis.

4. OTHER OPTIONS CONSIDERED

- 4.1 None, the effectiveness of the Council’s Planning Service would be at risk if it is not underpinned by a robust enforcement policy.

5. RESOURCE IMPLICATIONS

- 5.1 Detailed comments to follow.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Failure to provide an effective planning enforcement service	The development of a planning enforcement policy with clear priorities

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 A stage 1 equality analysis for this policy document will need to be completed before the final version is produced. Further work on equality analysis will be carried out as the policy develops.

8. CRIME AND DISORDER IMPLICATIONS

8.1 There are no crime and disorder implications arising from this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 Comments to follow.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 In line with paragraph 207 of the National Planning Policy Framework it is appropriate to consider adopting the key principles of planning enforcement at South Kesteven District Council.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 None.

12. APPENDICES:

12.1 Draft Planning Enforcement Policy.