

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 20th February 2008

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WARD(S): All

PART I

FOR DECISION

PLANNING ENFORCEMENT POLICY

1.0 **Purpose of Report**

- 1.1 To present a revised Planning Enforcement Policy setting out the background to Planning Enforcement, the way in which breaches of planning control will be investigated, the priorities for action and the service response times.

2.0 **Recommendation**

- 2.1 Members are asked to consider the revised Planning Enforcement Policy attached to this report and agree to its use as the basis for dealing with enquiries regarding potential breaches of planning control

3.0 **Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment**

The revised Planning Enforcement Policy will contribute towards the following Key Priorities:

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

Aims

- 1.2 *Adopt a green and sustainable approach to managing and developing the environment.*
- 1.3 *Protect and enhance public health and well being*

Priority 4 – Ensuring excellence in customer services

Aims

- 4.1 *Deliver excellent customer focused services in an excellent customer environment*
- 4.2 *Engage, listen and empower communities.*
- 4.3 *Deliver excellent internal and external relations.*

Priority 5 – Maintaining excellent governance within the council to ensure it is efficient, effective and economic in everything it does.

Aims

- 5.1 *Ensure compliance with the law.*

4.0 Other Implications

(a) Financial

There are no direct financial implications of the Planning Enforcement Policy although cases which are Appealed or reach prosecution stage in Courts may have some financial implications in terms of awards of costs or payment of legal representatives. However, this Planning Enforcement Policy does not alter the existing situation in this respect.

(b) Human Rights Act and other Legal Implications

There are no specific human rights implications regarding this policy. As with all Planning decisions, planning law has demanded a balance between private rights and public interest and therefore much of the Council's decision making on enforcement issues will take this into account

(c) Workforce

At present the Enforcement Team is being reviewed by the Head of Development Control in relation to its past and current workload, and in relation to efficiencies in undertaking planning enforcement cases. IT based monitoring systems are being developed both to improve efficiencies and to allow the service response times and targets set out in the attached Planning Enforcement Policy to be properly assessed.

Planning Enforcement has traditionally been 'reactive' to problems raised by complainants and much of the staffing resource is taken up investigating such problems.

It is intended that in the future the service may become more proactive in its identification of breaches of planning control and with regard to the checking of compliance of conditions attached to planning permissions. This will require the on going review of existing staffing resources and workload.

5.0 Supporting Information

- 5.1 Over the past few years Officers and Members had recognised a growing public concern over development that has taken place without the appropriate planning permission or without reference to approved plans or attached conditions.
- 5.2 The number of enforcement enquiries in slough has and the Government has also recognised that public expectations have become more demanding.
- 5.3 The Planning Enforcement team has reacted well to these increased demands in the past, within the context of Sloughs Guide to Planning Enforcement' adopted in November 2002.
- 5.4 As with every Service area it is recognised that improvements can be made and the Head of Development Control is currently reviewing detailed procedures in this respect. It is recognised that two key areas need addressing. The first involves setting robust e-based monitoring systems that will allow analysis of the response time to enforcement enquiries. Whilst the enforcement teams response in undertaking initial site visits is often well ahead of the 10 day target date, both this and other response targets have never been consistently measured.
- 5.5 The second area relates to prioritising our response to planning enforcement enquiries. The Planning Enforcement Policy now puts forward a three fold categorisation of enforcement complaints ranging from those needing emergency consideration, through to high and medium priority.
- 5.6 The attached Planning Enforcement Policy reports sets out the relevant service responses for each of these three categories and the targets for service achievement. It is intended to deal with all enforcement complaints (up to the point where Legal Services may be instructed) within a period of 40 days – approximating to the 8 week time period for the determination of planning applications. It is important to note that the timescales for responses do not 'weaken' the service responses in any way. The longest timescale (of 10 days for a site visit), for the proposed 'medium' category equates to that used for all complaints at present.
- 5.7 It is considered that with improved monitoring and prioritisation more staff resource and be devoted to 'positive' enforcement of aspects such as condition compliance.

6.0 **Comments of Other Committees**

6.1 None

7.0 **Conclusion**

7.1 The revised Planning Enforcement Policy will assist in the prioritisation of enforcement complaints and provide the framework for improved monitoring and efficiencies.

8.0 **Appendices Attached**

8.1 None

9.0 **Background Papers**

9.1 '1'- Slough's Guide to Planning Enforcement, November 2002