

## PART A

**Report to:** Development Control Committee  
**Date of meeting:** 12<sup>th</sup> March 2015  
**Report of:** Development Management Section Head  
**Title:** Planning Enforcement Plan 2015

### 1.0 **SUMMARY**

1.1 The current Planning Enforcement Plan was approved in February 2006. This is a review of that plan that introduces changes to some of the procedures and timescales under which the enforcement service is operated. An up-to-date and clear enforcement plan is considered essential to set out how complaints regarding breaches of planning control will be investigated in an efficient and effective manner and to also maintain public confidence in the planning system.

### 2.0 **RECOMMENDATIONS**

2.1 That the Planning Enforcement Plan 2015 be approved.

**Contact Officer:**

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**Report approved by:** Jane Custance, Head of Regeneration and Development

### 3.0 **PLANNING ENFORCEMENT PLAN 2015**

3.1 The practices and procedures in Development Management Section are regularly reviewed to ensure that the Section continues to provide an effective and efficient service. The current Planning Enforcement Policy was approved in February 2006 and it is now considered appropriate to review this plan. The purpose of the plan is to set out clearly, for the benefit of residents, developers and elected members how complaints regarding breaches of planning control will be investigated. Although the legislation and guidance relating to planning enforcement has remained largely unchanged, the procedures and timescales for investigation have been amended.

3.2 It is important to note that the planning enforcement service remains essentially a

reactive service, responding to complaints from the public, elected members and Council officers, and the enforcement plan reflects this. The Development Management Section does not have the resources to undertake a proactive service although that is not to say that proactive action is not undertaken from time to time. Where persistent issues arise, such as unauthorised estate agents' boards, proactive action will be considered as resources permit.

- 3.3 The planning enforcement service receives a large number of complaints every year. Many of these do not relate to planning matters and cannot be investigated by the enforcement team. The plan sets out, albeit not exhaustively, the matters that can and cannot be investigated and, in the case of the latter, where complaints should be directed.
- 3.4 In the proposed plan, the priority of cases has been reduced from 4 to 3 and the timescales for an initial site visit to be undertaken reduced. In the vast majority of cases, a site visit will be undertaken within 5 working days (the current is 10 days). This is considered important as it allows an initial assessment of the complaint to be undertaken as soon as reasonably practicable. A significant number of cases (some 40%) do not, in fact, involve a breach of planning control.
- 3.5 As with the current policy, the focus of enforcement action remains a negotiated resolution of breaches, wherever this is appropriate and reasonable, with formal enforcement action being a measure of last resort. This has continued to prove a successful strategy in past years, with the need to undertake formal enforcement action to resolve breaches being an infrequent occurrence.
- 3.6 The proposed plan introduces an new 8 week review of all complaints. In line with the majority of planning applications that have to be determined within 8 weeks, it is intended that the majority of enforcement complaints should also be resolved, where appropriate, within 8 weeks. This gives a clear timeframe for the resolution of complaints for the benefit of complainants, developers and officers.
- 3.7 In more serious or complex cases or where a negotiated resolution has not been possible, an expediency report will be prepared to determine whether further action is necessary to resolve the case and, if so, what this action should be. Where formal enforcement action is considered expedient, timescales are set out for the serving of notices. A further review of the case after 16 weeks is also introduced. This is to ensure that any formal action is undertaken in a timely manner.
- 3.8 Finally, the plan makes reference to the Proceeds of Crime Act 2002. This Act allows any proceeds acquired as a direct result of criminal activity to be recovered through a confiscation order. The failure to comply with an enforcement notice is a criminal offence and councils are increasingly using the powers under this Act to recover monies from offenders gained through breaches of planning control. As an example, all rent received from an unauthorised conversion of a property to flats or a HMO can be recovered. This is proving to be a significant incentive for developers to comply with enforcement notices.

#### 4.0 **IMPLICATIONS**

## 4.1 **Financial**

4.1.1 The Shared Director of Finance comments that no financial implications have been identified in this report.

## 4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the policy

## 4.3 **Equality Issues**

4.3.1 An equality impact assessment has been undertaken. The Partnerships and Performance Section Head comments that whilst there might be some negative impacts on certain protected characteristics, measures can be put in place to mitigate them.

## Appendices

Planning Enforcement Plan 2015

## Background Papers

No papers were used in the preparation of this report.

## File Reference

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