Recommendations

It is recommended that Policy & Performance Scrutiny Panel:

(1) note the Local Planning Enforcement Policy and make any recommendations to Cabinet and;

It is recommended that Cabinet:

(2) note any comments and suggestions made by the Policy and Performance Scrutiny Panel and approve the Local Planning Enforcement Policy.

Summary

The National Planning Policy Framework (NPPF) recommends publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how the council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate. In response to national guidance and the Council’s commitment to a more robust enforcement service Eastleigh Borough Council’s Local Planning Enforcement Policy has been updated.

Statutory Powers

Town and Country Planning Act (1990)

Strategic Implications

1. The Local Planning Enforcement Policy provides a robust basis on which to ensure development within the Borough is brought forward as planned and provides clarity on the measures that can be taken to address breaches of
planning legislation where it is harmful to the environment and public amenity. The Policy plays a significant part in addressing three strategic priorities of:

- Excellent environment for all
- Enabling healthier lifestyles / wellbeing
- Increased provision and more diverse mix of housing

Introduction

2. Effective enforcement is important to maintain 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. The National Planning Policy Framework (NPPF) recommends Local Planning Authorities (LPA) provide clarity on their enforcement powers and clearly set out how alleged planning breaches will be investigated within an enforcement plan.

3. The Council sought a review of all Council enforcement services with initial focus being on three key areas; planning enforcement, fly tipping and parking enforcement. A recommendation of this review was to ensure that the planning enforcement service adopted a robust approach to planning breaches and that certainty is provided to the public and councillors.

4. The Local Planning Enforcement Policy has been updated to set out the Council’s approach to effective enforcement and provide indicators to measure the quality of the enforcement service against.

Planning Enforcement - an improved service.

5. The Local Planning Enforcement Policy has been rewritten in accordance with best practice and gives clarity on the level of service to be provided. The Policy provides guidance on the prioritisation of planning breaches; the level of service that can be expected and for the first time includes performance indicators to measure the performance of the service; from first action through to closure of the case. The performance figures are to be monitored monthly and quarterly to ensure the enforcement service is delivered to an agreed quality that is proportionate, consistent, transparent and targeted.

6. The amendments to the former Enforcement Plan are as follows;

- **Enforcement Principles** – Clarity on the four principles Proportionality, Consistency, Transparency and Targeting & the difference between Reactive and Proactive enforcement.

- **Information on the two types of planning permission** – Express & Deemed Planning Permission

- **Updated priorities for the team (Priority 1 to 4)** – Revised Priority list to reflect current issues.

- **KPI’s** – Amended targets for concluding investigations.

Eastleigh Borough Council
Information Gathering Tools – How we can use them effectively to resolve enforcement investigations.

Formal Enforcement Action – Guidance on how to take formal enforcement action with details on each type of Notice, course of action and cautions.

EBC Enforcement Register – Details on how to find the EBC Enforcement Register.

Additional information - Unauthorised Advertisements, Investigation Standards and what the public can do to help?

7. The Local Planning Enforcement Policy will be reviewed every two years to ensure the service aligns with the best practice and the Council’s wider Enforcement Strategy.

8. The Local Planning Enforcement Policy is attached for reference.

Financial Implications

9. There are no additional financial implications attached to this policy

Risk Assessment

10. There are no risks in supporting this policy document which has been written after careful consideration of best practice, legislative requirements and council resources.

Equality and Diversity Implications

11. The Equality Act is not relevant to the decision in this report as the decision does not relate to eliminating discrimination, advancing equality of opportunity, or fostering good relations between different people. An Equality Impact Assessment has not been carried out.

Conclusion

12. The Local Plan Enforcement Policy has been written to reflect the Council’s desire to deliver a more performance orientated and robust planning enforcement service. The changes included within the policy will lead to significant improvements to the service provided.

13. It is recommended that the Policy and Performance Scrutiny Panel supports the revised policy.

ANDY GRANDFIELD
HEAD OF HOUSING AND DEVELOPMENT

Date: 04 OCTOBER 2019*
CONTACT OFFICER: ANDY GRANDFIELD
LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

* List Background Papers or state None.