

PLANNING REGULATORY COMMITTEE

Local Planning Enforcement Plan

29 January 2024

Report of Chief Officer – Planning and Climate Change

PURPOSE OF REPORT

To consider for approval the revised local planning enforcement guidance and standards contained within the new Local Planning Enforcement Plan.

This report is public.

RECOMMENDATIONS

- (1) **That the Local Planning Enforcement Plan be approved, and for the Plan to form the basis for planning enforcement case management.**

1.0 Introduction

- 1.1 The City Council's Development Management Team includes Planning Enforcement Officers who take responsibility for investigating alleged breaches of planning control in the public interest. In doing so, the Team aim to adhere to the standards of service that are contained in the Council's 'Planning Enforcement Charter'.
- 1.2 The Charter was first approved in 2011 and it was subsequently revised in 2017. However given the passage of time, changes to the national planning enforcement system, and a requirement for improved caseload management processes, an updated document is now proposed in the form of the Local Planning Enforcement Plan (LPEP).

2.0 Proposal Details

- 2.1 The LPEP is not part of the Development Plan (the Local Plan). It is a standalone advisory document that provides public guidance regarding the planning enforcement system. It is for this reason that approval of the LPEP is sought from the Planning Regulatory Committee.
- 2.2 The LPEP explains the powers and limitations of the national planning enforcement system. It has been carefully worded to ensure that it aligns with national advice. It also includes an explanation regarding the issue of expediency that lies at the heart of the national planning enforcement system. There is an 'Expediency Test' flowchart which illustrates how Planning Enforcement Officers will make decisions, and a list of possible Notices that might be served if breaches of planning control are not satisfactorily remedied.

- 2.3 The LPEP also includes a list of matters that are not breaches of planning control (and provides details of the relevant organisation that would be responsible for these non-planning matters).
- 2.4 The new document also places an increased importance on enforcement case management. The LPEP recognises the need for consistency in terms of communication, and pages 11-12 set out how Officers will manage their cases and when they will contact complainants. The document also includes advice if a complaint is made about your own property, and it concludes by providing details about how to report a planning enforcement issue.
- 2.5 It is anticipated that once the LPEP is adopted, the reporting of quarterly planning enforcement case management statistics to the Planning Regulatory Committee will recommence.

3.0 Details of Consultation

- 3.1 There has been no external consultation because the document does not form part of the Development Plan. The LPEP updates internal case management processes and does not seek to change the material considerations that are taken into account when deciding whether to pursue enforcement action.
- 3.2 The LPEP has however been the subject of consultation with the Council's Legal colleagues, and their observations are included at the end of this report.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: To approve the LPEP	Option 2: To not approve the LPEP
Advantages	<p>The document is a significant upgrade on the existing Planning Enforcement Charter.</p> <p>It provides improved and more realistic case management standards and has been reworded to align with revised national planning enforcement advice and process.</p> <p>Approving the LPEP will also ensure that the guidance provided to residents is up to date.</p>	None.
Disadvantages	There are no disadvantages arising from updating the Council's planning enforcement guidance via the LPEP.	<p>Not approving the LPEP will mean that planning enforcement guidance will remain unchanged (i.e. via the Planning Enforcement Charter 2017). This is considered to be out-of-date.</p> <p>A decision not to approve the LPEP will fail to take the</p>

		opportunity to formally adopt new enforcement case management practices.
Risks	There are no risks associated with the approval of the LPEP.	The risk of providing outdated guidance and/or outdated case management standards may result in reputational damage.

5.0 Officer Preferred Option (and comments)

5.1 The preferred option is Option 1.

6.0 Conclusion

6.1 The LPEP will provide the basis for a re-set of internal planning enforcement case management standards. The Plan has been designed to provide helpful guidance both for complainants and for those who are complained about.

6.2 The new case management standards within the LPEP will be the focus of quarterly reporting to the Planning Regulatory Committee, likely to commence after the end for the first full quarter of 2024.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

The Plan updates local enforcement advice and explains how enforcement cases will be managed. In applying the provisions of the Plan, officers will have regard to its duties under the Equality Act 2010, particularly the public sector equality duty enshrined in Section 149 of the Act.

LEGAL IMPLICATIONS

It is important that enforcement officers become familiar with the Local Planning Enforcement Plan and that they have due regards it when making enforcement decisions. Failure to have regard to the plan, relevant Development Plan Documents and other material factors may undermine enforcement decisions and action(s) taken.

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with updating the current Charter to a Local Planning Enforcement Plan.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no additional comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

1. Copy of Draft Local Planning Enforcement Plan (LPEP)
2. Link to existing Planning Enforcement Charter (2017)
<https://www.lancaster.gov.uk/assets/attach/32/Planning-Enforcement-Charter-2017-Revised-Edition-.docx>

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