

Rother District Council

Report to:	Cabinet
Date:	10 January 2022
Title:	Updated Local Planning Enforcement Plan
Report of:	Myles Joyce, Development Manager
Cabinet Member:	Cllr Jonathan Vine-Hall
Ward(s):	All
Purpose of Report:	To seek Member approval for the adoption of the updated Local Enforcement Plan
Decision Type:	Non-Key
Officer	
Recommendation(s):	Recommendation to COUNCIL: That the updated version of the Local Planning Enforcement Plan be approved and adopted.

Introduction

1. The Rother District Council (RDC) Local Enforcement Plan acts as a guide for how RDC Planning Enforcement Service investigates allegations of unauthorised development within RDC.
2. Consistent with the National Planning Policy Framework (NPPF) it is an enforcement plan which sets out to describe how they investigate proactively alleged planning breaches. The current local Enforcement Plan was approved and adopted by full Council in July 2016.
3. However, since that time a number of factors have made the current plan increasingly outdated notably:
 - Updates to the NPPF in 2019 (twice) and 2021
 - Adoption of Rother DC Development Management Policies (DaSA) 2019
 - The COVID-19 pandemic and changes to ways of working
 - A notable and sustained increase in complaints about unauthorised planning breaches received
 - A recent change in the scheme of delegation allowing officers to draft and prepare Notices in consultation with Legal Services.
4. Accordingly, it is considered that an updated plan should be prepared to be more responsive to customer needs, clearly prioritise cases by nature of alleged planning breach and contain service and indicative timescales for investigation and where expedient action as well as describe when matters are in other bodies control and timescale. In addition, visual aids and the

inclusion of a Planning Enforcement 'toolkit' would serve to fully inform customers of the service and what it would do and not do and to what timescales.

5. The draft Enforcement Plan attached has been developed by looking at good practice for other local planning authorities and has been subject to feedback from officers and Planning Committee members. That feedback has been taken on board and has been incorporated where possible into the final draft which is before you for decision.

Analysis

6. The option is to consider that the revised Local Enforcement Plan is sufficiently up to date and will provide clear and concise guidance to customers with regard to any potential planning enforcement complaint and provide links to relevant further information and contacts.

Options

7. Do nothing - this would mean the Planning Enforcement service continuing with an out of date Local Enforcement Plan which does not accurately reflect the service provided and provides out of date information with regard to relevant legislation and guidance.
8. In addition, the existing Local Enforcement Plan was adopted when caseloads were much lower and demands on the service were somewhat less urgent. The updated Local Enforcement Plan also takes account of changes to how matters are investigated and the changes brought about by COVID-19 pandemic.
9. With website improvements a key part of the Planning Service review, the updated Local Enforcement Plan would concur with this process as well as respond to changes to the Council website pages within which it is housed.
10. Accordingly, the do nothing option is considered to be inappropriate and sub optimal with regard to the ongoing review of the Planning Service.

Conclusion

11. The current Local Enforcement Plan is five years old and during the time that has elapsed a number of changes in terms of legislation, local planning policies, the COVID-19 pandemic and its impact and a sustained increase in complaints received have occurred. Accordingly, it is considered that the Local Enforcement plan is no longer fit for purpose.
12. The proposed updated plans draw on current good practice and current working practices as well as up to date legislation and planning policies to both set out how the Planning Enforcement services manage investigating alleged planning breaches proactively but also what it can and cannot do including when some factors may be beyond its control.

13. In addition, the revised Local Enforcement Plan provides appendices which should assist visually with setting out the investigation and action processes and the 'toolkit' of powers at the Service's disposal.

Financial Implications

14. Minimal resources as formal enforcement action is discretionary and the revised report will be uploaded onto the website if adopted. It is not considered that any wider financial implications will arise as a result of the adoption of this Local Enforcement Plan.

Legal Implications

15. The scheme of delegation has recently been amended to allow officer to undertake all formal action in consultation with the Council's Legal Services. It is considered this revised Local Enforcement Plan will assist with the timely taking of formal enforcement action where expedient to do so.

Human Resources Implications

16. No human Resource Implications are anticipated as a result of this revised Local Enforcement Plan.

Crime and Disorder

17. It is considered that this revised Local Enforcement Plan will assist in a more efficient and consistent planning enforcement service which will include dealing with breaches of planning control which are or become criminal offences.

Environmental and Sustainability

18. It is considered that this revised Local Enforcement Plan will assist in a more efficient and consistent support of National and Local Planning Policy Guidance, at the heart of which is sustainable development.

Risk Management

19. It is considered that this revised Local Enforcement Plan will assist in a more effective way to prioritise and deal with investigations both initially and on ongoing, avoiding undue delays and managing expectations.

Consultation

20. It is considered that this revised Local Enforcement Plan will assist in clarifying when customers should expect to be contacted and updated and where this is not likely or reasonable to expect contacts and updates.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	Yes		

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Appendices:	Appendix A Draft Enforcement Plan
Relevant Previous Minutes:	N/A
Background Papers:	None.
Reference Documents:	Current Local Enforcement Plan NPPF (2021) NPPG (2014)