

Appendices



Item No.

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NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Planning enforcement policy guidance
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AGENDA STATUS: Public

Cabinet Meeting Date:	03 December 2007
Key Decision:	No
Listed on Forward Plan:	Yes
Within Policy:	Yes
Policy Document:	Planning and Environmental Enforcement policy
Directorate:	People, Planning and Regeneration
Accountable Cabinet Member:	Cllr Richard Church
Ward(s)	All

1. Purpose

1.1 To agree priority areas for planning enforcement within the overarching policy agreed by cabinet on 6 March 2006,

2. Recommendations

2.1 That cabinet agree the following priorities for planning enforcement :-

Priority 1

- A serious threat to health and/or safety e.g. traffic hazard, storage of hazardous substances, development creating pollution problems.
- Permanent damage to the environment (e.g., loss of protected tree, unauthorised work affecting the character of a listed building and some works within a Conservation Area).

Priority 2

- Building work, that is unlikely to be given planning permission without substantial modification. (e.g. excessively large house extension)
- Unauthorised uses causing severe nuisance through noise, smells, congestion etc

Priority 3

- A breach causing problems, which may be resolved by, limited modification (e.g. insertion of opaque glazing in an unauthorised window to overcome privacy problems; restrictions on hours of use etc.)
- Property whose condition adversely affects the amenity of the surrounding neighbourhood

Priority 4

- Breaches of a minimal nature raising minimal planning concerns

3. Issues and Choices

3.1 Report Background

3.1.1 In March 2006 Cabinet agreed a generic enforcement policy covering all the Council's enforcement functions. The report addressed the purpose and method of enforcement; the principles of enforcement; accountability ; investigation; prosecution and fixed penalty notices.

3.1.2 This report supplements that by giving greater policy detail on the priorities for planning enforcement action.

3.2 Issues

3.2.1 Planning enforcement is discretionary. There are various enforcement methods available to local authorities and without prioritisation there is a risk that the service will not be effective in dealing with the most serious issues.

3.2.2 Although the West Northamptonshire Development Corporation is the Local Planning Authority for most major development in the town and for town centre applications, it has no enforcement powers. Enforcement remains the responsibility of the Council. There could be an increase in demand for enforcement as the town grows, also leading to a need for prioritisation.

3.3 Choices (Options)

3.2.1 **Do nothing** – this would create unrealistic expectations in respect of enforcement action and inequity in service provision,

3.2.2 **Prioritise based on risk** – ensures that expectations are managed and resources are focused on areas where there would be a greater impact from inaction. This is the recommendation.

4. Implications (including financial implications)

4.1 Policy

The report supplements the generic enforcement policy agreed by Cabinet on 6 March 2006. It creates a more detailed policy for prioritisation of planning enforcement matters, including some works in conservation areas e.g. cladding to the exterior of dwelling houses; alterations to the roof (i.e. dormer windows). Additionally, permitted development rights are less in conservation areas.

4.2 Resources and Risk

There are no resource implications. The decision enables the resources in place to be used effectively to deliver priorities. Prioritising based on risk mitigates the potential for serious harm through breaches of planning policy and legislation.

4.3 Legal

Legal services already work with planning enforcement to issue notices. There is no impact on this from this decision

4.4 Equality

Prioritising action on reducing the potential for harm means that all citizens are treated equally when enforcement action is being considered or when they make a complaint.

The priorities and full guidance will be published on the web-site and leaflets will be made available in the one-stop shop and Cliftonville House reception.

4.5 Consultees (Internal and External)

Planning committee has been consulted and resolved - That the report and the priorities contained therein be commended to Cabinet for final approval and adoption so that the accompanying Policy document becomes the basis for a public information leaflet to also be available on the Council's website.

WNDC was consulted on the draft policy, no comments were received.

4.6 How the Proposals deliver Priority Outcomes

The planning inspection report of Sep 2006 and subsequent improvement plan refer to provision of a clear policy on enforcement priorities. This will deliver that. Additionally, there will be clarity for our partners at WNDC on how we prioritise enforcement action.

4.7 Other Implications

None

5. Background Papers

5.1 Planning inspection report 2006; Planning service improvement plan; Planning committee 26 September 2007; Planning enforcement policy guidance document

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