

<b>BODY</b>	<b>CABINET</b>
<b>DATE</b>	<b>13 July 2016</b>
<b>SUBJECT</b>	<b>Planning Enforcement Policy</b>
<b>REPORT OF</b>	<b>Ian Fitzpatrick, Senior Head of Community</b>

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<b>Ward(s)</b>	All
<b>Purpose</b>	To adopt this policy
<b>Contact</b>	Anna Clare, Specialist Advisor - Planning 1 Grove Road, Eastbourne Tel no: (01323) 415644 E-mail: anna.clare@eastbourne.gov.uk
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. That Cabinet approve the Revised Proposed Enforcement Policy for publication for a six week period to receive representations on its content.</li><li>2. Following the end of the representation period then delegation of any non-substantive change to The Snr Head of Community in consultation with the Chair of Planning Committee.</li><li>3 . Adopt the final Enforcement Policy Statement 2016</li></ol>

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## **1.0 Introduction**

1.1 The planning system operates to regulate the development and use of land in the public interest. The effective and proper enforcement of planning controls is essential to protect the local environment and interests of residents, visitors and businesses of the Borough from the harmful effects of unauthorised works.

1.2 The need for effective enforcement is very important as it helps to-

- Tackle breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area
  - Maintain the integrity of the decision-making process
- The Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches by statutory and other means.

1.3 Breaches of planning control are investigated and it is our policy to exercise these powers appropriately and proportionately so that development takes place

in accordance with the appropriate legislation or conditions and limitations imposed on any planning permission.

1.4 The National Planning Policy Framework (Para 207) identifies that local planning authorities should consider publishing a **local enforcement plan** to manage enforcement effectively and proactively. This is endorsed by the Royal Town Planning Institute and The Planning Advisory Service.

1.5 Since 2010 Eastbourne have been using an Enforcement Plan, which has been updated/amended over the years due to legislative changes but which has never been previously adopted by Cabinet as policy.

1.6 It is considered that having an adopted planning enforcement policy would assist in the delivery of an 'enforcement process/function' that remains faithful to the delivery of what development has been permitted, should also assist in engendering a culture of compliance and help to maintain the integrity of the planning system.

1.7 The Enforcement Policy has been presented to Planning Committee (Minute 38 July 2015) and Local Plan Steering Group and endorsed by both.

## **2.0 Content of the Policy**

2.1 The Enforcement Policy statement continues to:-

- Promote the joined up enforcement approach, recognising that working closely with others from outside the planning service is essential to maximise outcomes
- Reflect and reinforce the more proactive work already undertaken by the planning Caseworkers and Specialists and also by the Difficult Properties Group to improve the environment of the Borough and the amenities of its residents.
- Planning Committee will continue to receive a quarterly report detailing the actions and outcomes relating to enforcement matters.
- Outlines the Councils re-active and pro-active approach to Enforcement.
- Outlines a regime for monitoring and compliance with planning compliance.
- Outlines a regime through its Difficult Properties Group to pro-actively instigates action to remedy the environmental harm caused by unsightly buildings and land under Section 215 of the Town and Country Planning Act.

## **3.0 Human Rights Implications**

3.1 When deciding to take enforcement action, including prosecution, the rights of individuals under the Human Rights Act will be carefully considered. Particular account will be taken of Article 6, the right to a fair trial and Article 8, the right to respect for private and family life, home and correspondence.

## **4.0 Conclusion**

4.1 Since the Enforcement Policy was first published in April 2010 it has been successfully implemented bringing about significant changes in the Council's approach to enforcement issues in general.

4.2 Planning enforcement now enjoys a significantly higher profile than in the past. Public expectation is also higher and therefore a more robust policy document which more clearly identifies when and how action can be undertaken is required to ensure that these expectations can be met.

### **5.0 Recommendation:-**

1. That Cabinet approve the Revised Proposed Enforcement Policy for publication for a six week period to receive representations on its content.
2. Following the end of the representation period then delegation of any non-substantive change to Enforcement Policy Statement 2016 to the Senior Head of Community in consultation with the Chair of Planning Committee
- 3 . Adopt the Enforcement Policy Statement 2016