

**PRO-ACTIVE ENFORCEMENT POLICY 2006**

FOREWORD

This guide was originally prepared following the publication of the development control charter to explain the council's enforcement policy and what this means for complaint investigation and development monitoring in the Wyre Forest area. Since then, Wyre Forest District Council has signed up to the enforcement concordat launched in 1998. As such, we are committed to carrying out our enforcement function in an **equitable, practical and consistent** manner and have taken account of the good practice guide to the adoption and implementation and monitoring of the concordat launched in 1998. The policy also takes full account of the Planning, Health and Environment Divisional Services Business Plan 2003-2008 which states that one of the responsibilities of the Division is to monitor the implementation of development and take enforcement action where breaches of planning control occur.

The Planning process operates to its full potential when development taking place on the ground is properly monitored, and uncoordinated or unauthorised development is quickly and appropriately dealt with.

This guide continues to reflect the emphasis in Council Policy to be more pro-active in its approach, working more closely with the public to monitor development and resolve potential breaches of Planning Control. This approach was first approved by the Council in March 1995 and has subsequently been reviewed in the light of Government Good Practice advice on Enforcing Planning Control and in response to changing circumstances.

The guide was initially drawn up following consultation with the Wyre Forest Business Forum and Parish Councils and it sets out our policy as a framework for action together with a practical guide on how this will operate in practice on a daily basis.

To be successful the co-operation of multi-disciplinary staff in a team approach is essential. Only through partnership between officers and Members can we provide the best service possible within limited resources.

The Council is also committed to developing new partnership arrangements and during the life of this policy, we will work with and not against the local Business Community.

# A PRO-ACTIVE ENFORCEMENT POLICY

## INTRODUCTION

In 1995, Members expressed a wish to move towards a more 'pro-active' stance in dealing with enforcement matters and this was agreed by Council on 1st March 1995. This was reviewed after 6 months with modifications to monitoring procedures agreed. This was tested and reviewed again in 1998 following the Government's Good Practice Guide on Enforcement, and the publication of The Development Control Charter. A further review took place in September 1999 through to September 2001 and again in 2001-2003 and this guide follows on from that policy demonstrating our commitment to continuously review and improve services.

Pro-active enforcement describes the way in which information is received and processed. **It is the Policy of Wyre Forest District Council to actively monitor development in progress and to initiate enforcement investigations without waiting for written complaints** of possible breaches of Planning Control to arrive in the post. Wherever possible, compliance will be sought via informal verbal and/or written advice, our aim is to resolve conflict with the Development Plan and approved plans. Punishment of transgressions of Planning Law is not an end in itself.

## FORCES FOR CHANGE

Enforcement has, in the past, often been seen as a distinct and separate activity from the rest of development control. However, in the face of increased environmental awareness there has been a resurgence of interest in this aspect of planning. The emphasis of these changes has been to create an effective enforcement regime which is well integrated with the Development Control and Building Control service so that it is best placed to meet the changing demands upon it. To do this, and to service the disparate needs of the District's citizens, a clear policy has been drawn up to define the service, within finite resources, and taking account of the increasing demands upon the enforcement team. The result has been a more flexible approach to the enforcement activity in the face of changing pressures on the planning service as a whole. Increasingly Planning Enforcement is also being co-ordinated with the enforcement responsibilities of others such as Environmental Health and the environment agency to combine information and resources in a more effective way. In October 2001 the Wyre Forest District Council signed up to a Protocol with the Environment Agency "*Working Better Together in Town and Country Planning.*" A closer working relationship between the Planning and the Environmental Health sections has been facilitated by the fact that both sections are now within the same division and are based together at Duke House.

"Enforcing Planning Control: Good Practice Guide for Local Planning Authorities" - (July 1997) still provides the most recent Government statement on enforcement matters which, together with PPG Note 18 and Circular 10/97 "Enforcing Planning Control: Legislative Provisions and Procedural Requirements" provides the framework for the enforcement function.

Whilst Enforcement cannot be separated out from the Government's modernising agenda and in particular the all embracing requirement to demonstrate Best Value in service delivery it remains a discretionary activity. Attempts at introducing a general duty upon Local Planning Authorities to ensure compliance with planning control have thus far been

avoided. However, it is commonly recognised that the integrity of the Development Control process depends upon an Authority's commitment to take effective action against unauthorised development. Such action must, however, be shown to be in the public interest. The rapid initiation of enforcement action is seen as being vital to this process when it is considered expedient to do so.

A reasonable balance needs to be achieved, however, between protecting amenity and other interests of acknowledged importance and enabling acceptable development to take place, even though it may initially have been unauthorised. Action should always be commensurate with the offence.

In making decisions as to whether or not to take enforcement action, the Council is exposed not only to the possibility of appeals by those against whom action is taken, but also the possibility of Human Rights claims and/or ombudsman complaints by those aggrieved at a decision not to take action. By having in place and following a clear policy on enforcement, this should minimise the risk of any successful claim against the Council.

In terms of Legal Implications, legislation and appeal decisions/case law determine the matters that the Council should consider when deciding whether enforcement action is appropriate/expedient. The policy aims to reflect this. Whilst there is no legal requirement to have such a policy, it is considered a useful tool for Councillors, Officers and Members of the public.

#### SCOPE OF THE ENFORCEMENT FUNCTION

In exercising its discretion the Wyre Forest District Council will have regard to the following:-

- 1. The decisive issue is whether the breach of control is unacceptable and harmful to public amenity or interests and therefore whether there is need to take action in the public interest.**
- 2. Enforcement action should always be commensurate with the breach.**
- 3. Where initial attempts to resolve matters informally fail appropriate action should not be delayed.**
- 4. Failure to take effective action where this is plainly necessary may be tantamount to maladministration.**

Above all the Planning (Enforcement) Committee will be even-handed, dispassionate and fair in all its dealings to ensure a consistency of approach and to instil confidence in the public and business community who are often unclear about our apparently bureaucratic methods. The Development Plan which consists of The Regional Spatial Strategy, the County Structure Plan and the Adopted Wyre Forest District Local Plan (2004) forms the starting point for the consideration of planning matters including enforcement in the District.

In considering the taking of enforcement action. The Council must take into account the Human Rights Act 1998 and the Articles contained therein with particular reference to the Right to a Fair Trial, the Right to a private family life and the protection of property.

Planning Policy Guidance Note 18 makes it clear that a breach of planning control is not an offence (except in respect of the unauthorised display of advertisements and works to listed buildings). **Applications can be made retrospectively and where such development appears to be acceptable in planning terms it is appropriate to seek a retrospective planning application in an attempt to regularise the situation.** Likewise the views of other public authorities should be sought to see if they are better placed to take remedial action and in some cases it is necessary for both officers and Members to bring pressure to bear at an appropriate level to facilitate effective inter-authority/agency co-operation.

Should the person responsible for carrying out the development be disinclined to submit an application, an enforcement notice should not be served where the development is acceptable in planning terms simply to regularise the development. This would be considered to be 'unreasonable' behaviour and authorities which act in this way are at risk of an award of costs against them in any subsequent enforcement appeal. It is however, quite appropriate to take remedial enforcement action as a means of imposing conditions which legitimately seek to limit the extent of the unauthorised activity to make it acceptable in planning terms. Applications will not be elicited simply as a means of increasing potential income to the Council.

The Government is committed to supporting local businesses. This should be borne in mind in considering how best to deal with unauthorised development. A balance between economic development, particularly of small firms, and the prevailing or anticipated harm to local amenity has to be struck. Where an investigation involves a commercial/business operation, staff will liaise with colleagues in the Economic Development Unit who may be able to give advice about alternative premises. Likewise in respect of unauthorised development by private householders the expediency of taking action to remedy minor breaches in excess of the normal permitted development rights should be carefully considered. In other words **each case shall be judged on its individual merits to practically and appropriately resolve problems when they arise by the application of tact and diplomacy employing discretion in the discharge of the Council's responsibilities to protect the public interest against inappropriate development.** Decisions on the appropriate course of action remain the proper function of the Planning (Enforcement) Committee where great **care is needed in balancing the scales to ensure that inappropriate action is not taken and where action is taken it is commensurate with the breach and it is speedily and effectively discharged.**

#### ENFORCEMENT ARRANGEMENTS AT WYRE FOREST DISTRICT COUNCIL

Overall responsibility for enforcement rests in the first instance with the Development Control Manager who can provide an overview and ensure integration between the Planning and Building Control disciplines and the enforcement team. The Council adopt a **team approach** and Enforcement relies heavily upon the services of the Legal and Democratic Services Division, The full time Enforcement and Implementations Officers lead on enforcement matters co-ordinating this team approach.

The Head of Legal and Democratic Services has Delegated Authority to instigate enforcement proceedings in certain cases. These include:-

1. The service of Breach of Condition Notices
2. The service of Enforcement Notices following a refusal of a planning application for a retrospective development

3. The issue of Requests for Information and, together with the Head of Planning Health and Environment
4. The instigation of prosecution proceedings under the planning Acts
5. The issue of Planning Contravention Notices.

The Planning (Enforcement) Committee only deals with enforcement matters. It sits when there are new cases to consider or when a resolution is required to take enforcement action. The agenda is made up of 3 main components being:-

1. new cases,
2. existing cases, and
3. a matters for information list

These categories are further sub-divided depending on whether or not the item comes within the public domain.

This is considered to be an effective means of presenting information for deliberation and the experience of a specialist enforcement committee is complementary to this team approach. **All significant Enforcement decisions are taken by the Planning (Enforcement) Committee.**

New Enforcement cases are all treated in a consistent manner and on investigation are:-

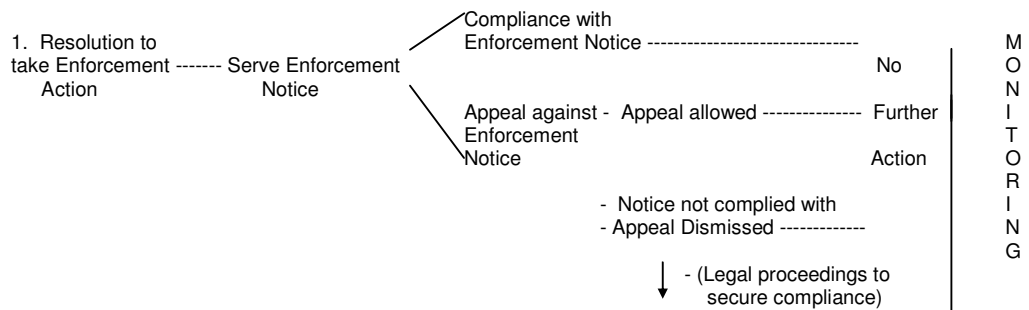
1. found not to be within the remit of planning legislation and therefore passed on to the appropriate agency, organisation or department to deal with, or
2. found not to be development, or
3. found to be permitted development, or
4. found to be development where an application is subsequently submitted retrospectively for determination, or
5. found to be acceptable development where it would not be expedient to take formal action, or
6. found to be development which requires appropriate enforcement action

All complaints are reported to the Planning (Enforcement) Committee for information.

### WHAT IS MEANT BY “PRO-ACTIVE” ENFORCEMENT?

Much can be made of the distinction to be drawn between “re-active” enforcement and “pro-active” enforcement with an underlying assumption that “pro-active” enforcement is some how better.

Enforcement is effectively the process of attempting to regulate potentially unauthorised development. The procedures are laid down in law with little opportunity for interpretation once it has been resolved to initiate enforcement proceedings and at its simplest it can be shown diagrammatically as follows:-



The Enforcement process is therefore wholly re-active following the resolution of the Committee. The Good Practice guide provides a useful framework for the Council to ensure that a sensible approach is taken at all stages of the planning process.

What may be meant by “pro-active” enforcement is how the information is received and processed prior to the sequence of events outlined above, i.e. before formal enforcement action is authorised. This falls within 2 main categories:-

1. the handling of complaints, and
2. development monitoring

The two areas are distinct and can be summarised below.

### Complaints

The Council has a complaints procedure and Heads of Service deal with complaints under their remit in a standardised way. Complaints take three main forms:-

1. complaints about staff
2. complaints about service delivery, and
3. complaints about a nuisance including unauthorised development

All complaints are an expression of dissatisfaction in one form or another and are investigated by the appropriate person. For the purpose of this guide we are concerned only with complaints about a nuisance/activity/building etc., which may require planning permission, (No. 3). **All complaints will be treated as confidential, as far as possible, within the Authority.**

Prior to 1995 the Council chose not to look for unauthorised development directly but to await a written complaint as the letter is usually a good indication that a nuisance is resulting from what is occurring.

It can be argued that unless there is a complaint then there is no harm to interests of acknowledged importance. However, there are reasons why people do not complain and do not commit themselves to writing which does not mean to say that there is not a legitimate planning interest in the matter and the pro-active regime takes account of this.

The Pro-active Enforcement complaints procedure accommodates both written and oral complaints equally within clearly defined parameters and performance targets (*see Figure 1*). It is now common practice for Councillors, parish representatives and officers of the Council to pass on their observations on potential Breaches of Planning Control as a matter of routine, to supplement those complaints received from the public. **The Council cannot investigate anonymous complaints.**

### Setting Priorities

Whilst the Government Guidance requires that all enforcement cases must be progressed quickly at every stage there is a clear recognition that not every case can be given top priority. This must remain a matter for each Local Planning Authority and ultimately the Development Control Manager who exercises discretion on a day to day basis. Enforcement investigations will be prioritised as follows:-

- i) unauthorised demolition or partial demolition of a building which it is essential to retain, such as a Listed Building;
- ii) any unauthorised development which causes immediate and irredeemable harm in the locality, such as works to a Listed Building or affecting a tree covered by a Tree Preservation Order;
- iii) breach of a condition which results in serious harm to amenity in the neighbourhood, SUCH AS HOURS OF OPERATION;
- iv) unauthorised development in a Conservation Area where the amenity of the area may be harmed;
- v) any unauthorised development where the time limit for enforcement action will expire within the next 6 month;
- iv) enforcement matters not constrained by time.

The table attached at **Figure 2** clarifies the order of priorities for dealing with enforcement matters.

### Development Monitoring

Development monitoring is a very positive activity. It can take a number of forms depending upon the degree of involvement considered necessary. The monitoring of development is not strictly an enforcement activity. Enforcement action would only be considered if the monitoring of authorised (as well as unauthorised) development revealed a breach of planning control, by non-compliance with a planning condition or that the development deviated from the approved plans. The monitoring of development is a time consuming activity and authorities have responded to an increasing desire to control the quality of development taking place in the environment - as opposed to that approved - in different ways and to varying degrees. Development monitoring will remain subordinate to the need to process applications speedily whilst reaching the "right" decisions, so long as resources remain scarce.

Development monitoring can range from enforcement staff simply keeping their 'eyes and ears' open when travelling around the district on their normal duties, and thereafter

pursuing suspected contraventions; either directly or through the complaints system, to plan checking and on site inspections.

**The approach to monitoring adopted is dependent upon available staff and financial resources.**

A full on site monitoring programme has clear cost implications and involves close liaison with Building Control Officers. This has previously not been seen as feasible and it must be subject to close financial control and open to review. However, co-operation between Development Control and Building Control Sections has provided greater flexibility to allow for limited on site monitoring.

The monitoring system is as follows:-

1. Record the commencement of "Development" on site from
  - (a) building control lists of starts
  - (b) NHBC notification letters

*This is useful under the terms of section 56 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004) as it establishes when development said to have 'begun' which has the effect of keeping the permission alive without further renewals of approval in the future, it is also a start date against which to check conditions.*

2. Check that a planning application has also been received.

*If not and the development requires planning permission, request an application.*

3. Establish whether conditions required to be met 'prior to' development commencing on site have been properly discharged.

*If not pursue the submission of the necessary details.*

4. Building Control Officers carry out on site inspection to check conformity with plans.

*Liaise with enforcement staff over discrepancies.*

5. Provide advice on any outstanding matters/concerns.

**A SUMMARY OF PRO-ACTIVE ENFORCEMENT**

These pro-active enforcement arrangements:-

1. are positive and flexible;



2. bring more cases of unauthorised development within the scope of planning control and where necessary before the Planning (Enforcement) Committee for consideration, and enable the Council to
3. oversee the progress of development in certain cases as it is built on the ground to ensure compliance with planning approvals and
4. help to sustain the high quality of our built and natural environment.

## ENFORCEMENT POWERS

Set out below is a brief list of the various powers that are available to the Council in discharging its Enforcement function:

1. Planning Contravention Notice (PCN)

This notice enables the Council to require detailed information about activities on land where it has reasonable grounds to suspect that a breach of planning control may be involved. This can include details of operations being carried out or uses taking place on the land; matters relating to conditions or limitations attached to planning permissions; names and addresses of persons involved in operations or uses or having a legal interest in the land.

The recipient of a PCN has 21 days to respond. Failure to respond is a legal offence liable to prosecution.

There are also other similar Requisitions for Information notices that the Council can use to obtain further information which carry the same legal requirement to respond within a set time period, otherwise an offence is committed.

2. Enforcement Notice

This is the principal form of Notice used to remedy breaches. There are various types of notice depending on whether the unauthorised development relates to buildings and operations, changes of use, listed buildings or demolition in a Conservation Area.

The Council has to be satisfied that a breach has occurred, that there is sufficient evidence to support formal action being taken and that it is expedient to serve an enforcement notice. Notices must have a time to take effect (during which appeals can be lodged), specify what steps are required to remedy the breach and give a time period for compliance. (the planning inspectorate has issued a guide for third parties who wish to take part in enforcement appeals).

3. Stop Notice

In certain circumstances, where the Council consider it expedient for an activity to cease before the expiry of the compliance period on an

Enforcement Notice, a stop notice can be served to prohibit the carrying out of that activity. The notice can only be served where an enforcement notice is also being issued. There are, however, limitations on the service of a Stop Notice and compensation can be payable in some circumstances. The fact that it may be considered expedient to issue an Enforcement Notice does not, therefore, mean that it is automatically expedient to issue a stop notice. Such notices come into effect within a few days and must be complied with even if an appeal has been lodged against the Enforcement Notice.

Stop Notices are an extreme measure and are therefore rarely used.

#### 4. Temporary Stop Notices

Where the local authority considers that a breach of planning control should stop immediately it may serve a temporary stop notice which does not have to wait for an enforcement notice to be issued. Such a notice expires 28 days after it has been served and during this period the council must decide whether it is appropriate to take enforcement action.

There are restrictions on the use of temporary stop notices; for example, such a notice could not prohibit the use of a building as a dwelling house and may not prevent the continuance of an activity which had been carried out for a period of four years.

Applications for compensation following the service of a temporary stop notice are more limited than those for a stop notice in that compensation may only be payable if it is found that permission has been granted previously (by permission or order), by the issue of a Certificate of Lawfulness or if the Authority withdraws the Notice.

#### 5. Breach of Condition Notice (BCN)

This notice applies where planning permission has been granted subject to conditions. If any conditions have not been complied with, a BCN can be served to require compliance with the condition(s). The notice will specify what steps are required to comply and give a time period for compliance.

As an applicant already has a right of appeal against any conditions attached to planning permissions, there is no right of appeal against a BCN. If the steps required are not complied with within the specified period, then an offence occurs and the offender is liable to prosecution.

#### 6. Prosecution

With unauthorised work to a Listed Building, demolition in a Conservation Area without consent or the unauthorised display of an advertisement, prosecution can be commenced in addition to or as an alternative to serving notices. Prosecution can be used to punish the offender and act as a deterrent to others or as a means to compel early remedy of the breach or both.

7. Injunction

Where the Council consider it necessary to restrain any actual or anticipated breach of planning control, an application can be made to the Court for an injunction. Such action would normally only be taken where the breach was serious.

8. Section 215 (Untidy Land) Notice

The Council can serve a notice on the owner or occupier of any land which is in an unreasonably untidy condition, requiring them to remedy the matter. N.B. 215 Notices are not normally appropriate for untidy domestic gardens.

9. Trees

With unauthorised work carried out to trees covered by a Tree Preservation Order or in a Conservation Area, prosecution proceedings can be taken. When trees have been felled, replanting can also be required.

If the Council receives any information to suggest that unauthorised works to a protected tree which is subject to a Tree Preservation Order or a protected tree in a Conservation Area is or has been undertaken the following process will be undertaken:

1. The Arboricultural Officer, or in their absence an enforcement officer, will visit the site and make an assessment of the potential breach.
2. Photographs and any potential evidence should be recorded during the initial site visit.

Any potential suspects involved (including site owners, tenants or tree work contractors) during the site visit may be questioned under caution in accordance with PACE recommendations. Should this not be possible during the site visit then subsequent formal interviews may be undertaken at a later stage.

The investigating officer will produce a report to be presented to the Development Control Manager, outlining the offence.

Upon authorisation from the Development Control Manager a report will be produced for consideration at the next available Enforcement Committee with a recommendation for one of the following:

- no further action,
- issue of an informal warning letter,
- issue of a formal caution,
- instigation of prosecution proceedings.

Upon authorisation from the Enforcement Committee the investigating officer will implement the recommendation, and produce a witness statement in liaison with the Council's Head of Legal and Democratic Services.

## PERFORMANCE TARGETS

- 1) To acknowledge all complaints within 5 working days.
- 2) To make a site inspection (if necessary) within 24 hours for high priority cases, within 5 working days for medium priority cases and within 10 working days for less priority cases.
- 3) To provide a full response to the complainant within 15 working days.

N.B. A successful enforcement service is one which complies with this policy and which minimises harm to the built and natural environment and impact on Wyre Forest citizens. it is not about large numbers of notices served as these are only a means to an end and not an end in themselves.

## REFERENCES

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# DEVELOPMENT CONTROL PRACTICE NOTE

## DEALING WITH ENFORCEMENT COMPLAINTS AND DEVELOPMENT MONITORING

### COMPLAINTS

#### INTRODUCTION

Complaints are an expression of dissatisfaction. This guide only deals with Planning Enforcement complaints and monitoring - all other complaints are dealt with in accordance with the Council's complaints procedure.

Procedure for complaint investigation (see **Figure 1**)

- Written complaints about unauthorised development or suspected breaches of planning control should be passed immediately to the Enforcement and Implementations Officers for processing.
- On receipt of an oral complaint staff shall complete a simple complaints form (1) (not appended to Policy) and pass this to the Enforcement and Implementations Officers for investigation.
- All complaints will be registered and prioritised in accordance with their seriousness and potential impact.
- All complaints will be acknowledged within 5 working days by standard letter unless the matter can be processed fully within this time in which case a reply will be given. If it is apparent that a full response can be achieved without need for acknowledgements etc., this is sent (usually within the 5 days).
- Where possible, within 15 working days of receipt, the complainant shall be informed of what further action, if any, Officers propose to take. This explanation will give estimated times for progress where these are known.
- The site of the complaint will ordinarily be visited within 10 working days of the initial complaint. The timescale for site visits is clarified in the Table attached at **Figure 2** which illustrates the prioritisation of cases depending upon their potential impact.
- If a Breach of Planning Control is established, the transgressor will be advised of the necessary steps to remedy or regularise this, including their right to submit a retrospective planning application. 14 to 28 days is usually an appropriate period (depending on circumstances) for the submission of an application.
- All complaints will be added to the matters for information list appended to a Planning (Enforcement) Committee Agenda or, if appropriate, added as new cases with a full report and recommendation on action.
- The Planning (Enforcement) Committee will either resolve to pursue Enforcement Action, defer consideration to establish further facts etc., or take no further action if the development is acceptable in planning terms, as at present.
- The complainant and the transgressor will be informed of the Committee's decision.
- If an application is received, this is referred to Development Control for processing. The complainant may either be notified under the usual neighbour notification procedures or by separate letter from Enforcement staff if they would not otherwise be notified.
- The initial investigation of complaints is delegated to the Development Control Manager on behalf of the Planning (Enforcement) Committee. Allocation of staff time will depend upon workload and priorities and the nature of each specific complaint.
- **It remains the Council's practice not to investigate anonymous complaints** unless it is deemed to be in the wider public interest. They will, however, be recorded and kept on file.

# DEVELOPMENT MONITORING

## INTRODUCTION

The Council is committed to the improved monitoring of development and a system of monitoring starts, coupled with limited on site inspections, has been established.

Officers sometimes observe development which might be unauthorised and those which appear significant and merit investigation will be reported to the Development Control Manager.

It will be the responsibility of the Development Control Manager to review any case and decide whether or not to commit further staff time to investigate such alleged breaches of Planning Control or Conditions given the resources available at the time, the nature of the case and the wider public interest involved.

Only the Development Control Manager or the Head of Planning Health and Environment can instruct the Enforcement Unit to undertake such investigative work. In this way the Council considers that a degree of consistency will be achieved which should counter allegations of bias resulting from individual officers pursuing matters proactively.

## PROCEDURE FOR DEVELOPMENT MONITORING

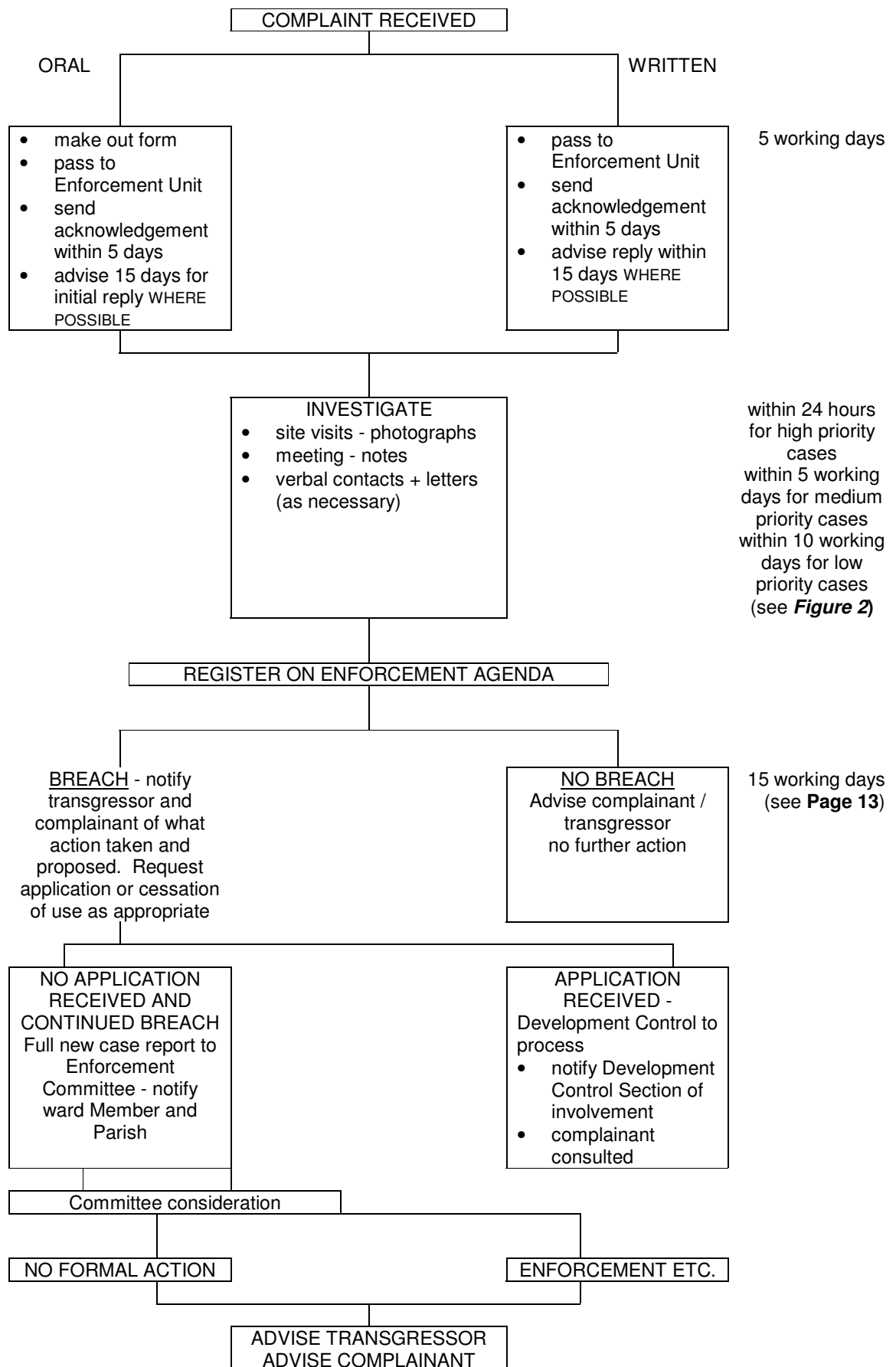
The monitoring of development will be carried out in accordance with the Development Control/Building Control Protocol adopted in October 2003 and will involve:-

- Recording the commencement of development on site from the weekly Building Control list of starts.
- Advising developers who are building under NHBC control, before development commences, if there are planning conditions to be discharged.
- Cross referencing with the planning records to check whether a planning application has been received, and/or is necessary - requesting an application as appropriate.
- Where planning permission exists, establishing whether any conditions which are required to be met prior to the development commencing on site, have been complied with - requesting compliance as appropriate.
- Building Control Officers to carry out on site inspections to check conformity with plans where there is also a Building Regulations Application which they are dealing with.
- Providing advice on any outstanding matters/concerns in conjunction with the Development Control Case Officer and/or Enforcement and Implementations Officer as appropriate.

The Development Control/Building Control Protocol is currently under review and new systems of monitoring are to be developed.

When planning permission is granted for a development this sometimes involves the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. Such agreements may involve the payment of monies or the provision of certain facilities which become necessary through the development of a particular site. This could include the provision of Open Space, Highway Improvements or Affordable Housing. Such requirements are usually 'triggered' at certain stages of the development. The monitoring of Section 106 Agreements is a function which has been carried out by the Enforcement Section and this function is to be reviewed and formalised.

**FIGURE 1**





**FIGURE 2****Planning Enforcement: Prioritisation of workload**

This is a guide to prioritisation of workload and cannot cover all scenarios given the wide range of work undertaken by the team

<b>High priority (site visit within 24 hours)</b>	<b>Medium priority (site visit within 5 working days)</b>	<b>Low priority (site visit within 10 working days)</b>
Demolition of a Listed Building (or part)		
Unauthorised works to a Listed Building		
Felling of a tree or lopping or topping of a tree covered by a Tree Preservation Order		
Development in a Conservation Area where the amenity of the area may be harmed	Development in a Conservation Area where the development may be amenable to a permission subject to conditions	Development in a Conservation Area where unconditional permission would be likely to be granted
Breach of a pre-start Condition where there is a serious harm to amenity or disturbance to neighbours		Breach of pre-start Condition which does not result in immediate harm, e.g. failure to submit a landscape scheme
Breach of an ongoing Condition where there is a serious harm to amenity or disturbance to neighbours	Breach of an ongoing Condition where there is likely to be a change in ownership and responsibility passed to another party, for example if obscure glazing is required before a new dwelling is occupied and the property is on the market.	Breach of an ongoing condition when circumstances negate the need for the condition, for example, the requirement for a sound insulation scheme when such a scheme has been approved by Building Control.
Development or use where the period of time available for taking enforcement action is due to expire	Development or use which is acceptable and likely to be amenable to a planning permission	Development or use where it is likely that a Certificate of Lawfulness could be granted
Development where the amenity of the area is severely affected		Development which, although may require planning permission, is of a very minor or trivial nature