

## LOCAL PLANNING ENFORCEMENT PLAN 2022

### 1. RECOMMENDATION

- 1.1 That Cabinet approve the formal adoption of the new Local Enforcement Plan 2022

### 2. INTRODUCTION

- 2.1 The Local Enforcement Plan 2022 outlines New Forest District Council's approach to encouraging compliance with its regulations and policies in a way that is in line with current government legislation and guidance.
- 2.2 It explains how breaches of planning control will be investigated.
- 2.3 It provides a common reference point and guidance on a range of options available to achieve compliance.
- 2.4 It sets out the priorities we have for investigating alleged breaches of planning control.
- 2.5 It is intended for all users and providers of the service, including:
- Town and Parish Councils and Borough Councillors
  - members of the public,
  - interested parties,
- 2.6 The existing Local Enforcement Plan was adopted in December 2013 and as a result in changes in law, guidance and legislation it must now be updated to reflect the current and established practice and legislation.
- 2.7 If Cabinet are minded to adopt this draft Local Enforcement Plan, the December 2013 Plan will be superseded.

### 3. BACKGROUND

- 3.1 The National Planning Policy Framework (NPPF) states that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. The Plan should set out how the local planning authority will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where considered appropriate.

### 4. THE LOCAL ENFORCEMENT PLAN

- 4.1 The Plan sets out the proposed principles the Council should adopt towards Planning Enforcement, namely:
- Fairness
  - Efficiency and Timeliness

- Professionalism and Integrity
- Confidentiality

It sets out the timescales for how we will deal with complaints and the assessment process we go through when considering if, how or when to take action.

- 4.2 The approach set out in the document is considered to be a proportionate approach to the caseload that the local planning authority receives each year.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 Whilst the function of enforcement is a statutory requirement, the decision to take enforcement action is discretionary. The level of enforcement investigations and the type and nature of a decided action can have financial implications for the Council.

## **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 The Local Enforcement Plan will improve the way the Council deals with planning enforcement cases and add clarity to the process followed, which will have a positive impact on the environment.

## **7. CRIME & DISORDER IMPLICATIONS**

- 7.1 Following the processes set out in the Plan will help to restrict the potential for breaches of planning control to develop into criminal activity.
- 7.2 Formal planning enforcement action must only be conducted following liaison with Legal Services.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

- 8.1 The plan will ensure that matters are dealt with on their planning merits and that matters that might discriminate against people or groups would not carry any weight.

## **9. CONSULTATIONS / COMMUNICATIONS**

- 9.1 In drafting this document consultations have been undertaken with the Development Management Service Manager, Executive Head of Planning Regeneration and Economy and the Legal Services Manager.
- 9.2 This document has also been approved at EMT level and the Environment and Sustainability Overview and Scrutiny Panel prior to recommendation to be considered at this Cabinet.

## **10. PORTFOLIO HOLDER COMMENTS**

- 10.1 Effective enforcement is important to maintain public confidence in the planning system, it is important that the Council maintains an up to date plan. This Plan sets out clearly to all those that might become involved in planning enforcement how we manage enforcement proactively, in a way that is appropriate to our District area. The Plan has been written in plain English and sets out clearly our positive approach to planning enforcement. The Council will, when it is considered appropriate and proportionate to

do so, take a robust approach to enforcing against confirmed breaches of planning control.

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**Background Papers:**

Cabinet Paper 4 December  
2013: Adoption of Local  
Enforcement Plan  
<https://democracy.newforest.gov.uk/Data/Cabinet/20131204/Agenda/CDR08726.pdf>