

**North East Derbyshire District Council**

**Cabinet**

**10 September 2020**

**Planning Enforcement Plan**

**Report of Councillor Charlotte Cupit, Deputy Leader of the Council and  
Portfolio Holder for Environmental Services**

This report is public

**Purpose of the Report**

- To present the draft Planning Enforcement Plan to Cabinet for approval and recommended for endorsement by the Planning Committee.

**1 Report Details**

- 1.1 The draft text of the Planning Enforcement Plan (attached) sets out for the public what they can expect should they advise the Council of a suspected breach of planning control.
- 1.2 It outlines the national context to planning enforcement and stresses the importance that the Council gives to controlling and acting against unauthorised development. It then sets out how we will approach investigations, prioritisation of cases, gives a general outline to what can and cannot be investigated and the range of actions that could result.
- 1.3 It also sets out a framework for monitoring performance and workloads of the Planning Enforcement service area.
- 1.4 Planning Committee is responsible for Planning Enforcement and it is therefore for Cabinet to consider the Plan and if it is so minded, to recommend to Planning Committee that it approves and adopts it.

**2 Conclusions and Reasons for Recommendation**

- 2.1 The Plan sets out the national and local context for planning enforcement and what a member of the public can reasonably expect should they bring to our attention a suspected breach of planning control. Approval and publication of the Plan will give the public a better understanding of the often contentious area of the council's work and provide to all interested parties a service standard to expect and to work to.

### **3 Consultation and Equality Impact**

- 3.1 No public consultation has been carried out nor is any consultation mandatory for such a Plan. The Plan is applicable across the whole district. Customer feedback will be evaluated as and when received and amendments given due consideration.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 It is not a legal requirement to have a Planning Enforcement Plan. However, not having one does not help the public or the many others who often have just periodic interest in enforcement cases to understand the context that the system works to and thereby manage their expectations.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

Approving this Plan does not have any direct financial implications. However, there is a risk in not being able to deliver the expectations that come from the plan if the service area is not sufficiently resourced. This matter is dealt with in a separate report presented to Cabinet.

#### **5.2 Legal Implications including Data Protection**

There are legal and data protection implications relating to the operation of Planning Enforcement. These are referred to in the Plan. There are no legal or data protection implications in approving and publishing the Plan itself.

#### **5.3 Human Resources Implications**

There are no direct human resource implications in approving and publishing the Planning Enforcement Plan. Delivering the expectations of the Plan do raise HR implications. These are dealt with in a separate report presented to Cabinet.

### **6 Recommendations**

- 6.1 That Cabinet endorses the Planning Enforcement Plan and recommends to Planning Committee that it be approved and adopted.
- 6.2 That the Council Communications Team prepare a resident accessible version of the Plan before it goes to Planning Committee and to then support a public communication campaign once agreed.
- 6.3 That any subsequent amendments required to the Plan that may be necessary as a result of customer feedback, legislative or regulatory changes before it is formally reviewed in 2024 be agreed with the Planning Portfolio Holder and Chair of Planning Committee.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	Not applicable
<p><b>Links to Council Plan priorities or Policy Framework</b></p>	Providing an effective planning service. Protect the character of our district

## 8 Document Information

Appendix No	Title
1	Draft Planning Enforcement Plan 2020
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p><b>Report Author</b></p>	
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