

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

18 May 2016

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

#### 1 PLANNING ENFORCEMENT

- 1.1.1 At a recent meeting of the Tonbridge and Malling Area Committee of KALC an item was raised in connection with communications with Parish Councils over planning enforcement cases. In particular there is an understandable desire on the part of Parishes to receive updates on progress in planning enforcement cases, particularly those that have been raised by or through the Parish Council.
- 1.1.2 Planning enforcement matters can often involve contentious and sensitive issues and dealing with them in a way that provides clarity for all parties is clearly beneficial. Previously, Parish Clerks received lists of all new and closed enforcement cases. Whilst that has been of some use, we are now arranging to circulate a weekly list of all cases that are under active investigation, which will be more pertinent.
- 1.1.3 Some enforcement cases can be a long while in investigation (necessarily so), can involve some complex evidential work and often confidential matters in the context of potential legal action. Nevertheless, where possible it is clearly helpful for updates to be provided. With this in mind, a further arrangement is to be put in place whereby Emma Keefe, the Council's Development Control Manager, will manage an update system for Parish Councils on a regular (fortnightly) basis on enforcement cases where the Parish is the 'complainant'. These updates will be intended to provide brief snapshots of the up to date position to give some reassurance that investigations are progressing. For the time being the updates will focus on those investigations where the Parish Council has raised the issue. Parishes can of course also raise further questions about the detail of those investigations and in the interim these should be directed to Emma Keefe in the first instance to enable some monitoring to take place.
- 1.1.4 In the meantime and in line with Government recommendations, we are in the process of drafting a local enforcement plan. This will set out how we investigate alleged cases of unauthorised development, the circumstances where action might be taken (and those where cases will not be pursued) and the enforcement options we will consider. Part of the plan will set out parameters and systems for effective communication at timely stages of investigations.

1.1.5 The preparation and adoption of a local enforcement plan is important because it should:

- define objectives and priorities tailored to local circumstances;
- set out the priorities for enforcement action which will inform decisions about when to take enforcement action and when not to;
- provide greater transparency and advice about how the Borough Council will decide if it is expedient to exercise its discretionary powers; and
- provide greater certainty for parties engaged in the development process.

1.1.6 The enforcement plan and a further review of communications will be reported to a meeting of the Panel in the near future.

## **1.2 Legal Implications**

1.2.1 Live enforcement investigations are confidential because of the possibility of future legal action, therefore the amount of information that can be divulged is limited. The Development Control Manager will be able to explain this further when providing advice to individual Parish Councils.

## **1.3 Financial and Value for Money Considerations**

1.3.1 The local enforcement plan will ultimately provide clarity on the level of service that can be provided and assist in using officer time in a more efficient way.

## **1.4 Risk Assessment**

1.4.1 Not applicable

Background papers:

Nil

contact: Emma Keefe  
Louise Reid

Steve Humphrey

Director of Planning, Housing and Environmental Health