

TONBRIDGE & MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

08 September 2016

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 PLANNING ENFORCEMENT

- 1.1.1 On 18 May 2016 the matter of communications with Parish Councils over planning enforcement cases was discussed; in particular the desire for Parishes to receive updates on the progress of certain cases, particularly those raised by or through the Parish Council. The May report advised that Officers were in the process of drafting a local enforcement plan which would detail how we investigate alleged cases of unauthorised development, the circumstances where action might be taken (and those circumstances where cases will not be pursued) and the enforcement options we will consider. It was also explained that part of the plan would set out clearer parameters for ensuring effective communications at timely stages of investigations.
- 1.1.2 Since May, the Plan has been written and approved by the Planning and Transportation Advisory Board (PTAB). It sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how we should decide whether or not to pursue enforcement action, timetables for action and the process of enforcement. In doing this, the Plan complies with the contents of the Council's wider enforcement policy, together with national legislation and Government guidance.
- 1.1.3 In general terms, the Plan is intended to provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary enforcement powers, whilst seeking to deliver an effective service within a challenging environment where expectations are high.
- 1.1.4 The Plan has been written also with the intention to provide guidance to the Parish Councils in clarifying the processes around planning enforcement.
- 1.1.5 Additionally, we undertook to put in place an arrangement whereby Emma Keefe (Development Control Manager) would manage an update system for individual Parish Councils on a regular basis on enforcement cases where the Parish is the 'complainant'. These updates were intended to provide an up to date position to give some reassurance that investigations are progressing. The updates have

been limited to those investigations where the Parish Council is the complainant rather than more general matters.

- 1.1.6 This process will continue as the enforcement plan begins to be administered and its effectiveness monitored but I would like to take the opportunity to stress that live enforcement investigations are confidential because of the possibility of future legal action. As such, the amount of information that can be divulged is limited. Furthermore, we would ask that any updates provided to the Parish Councils are not discussed at public meetings or recorded in any public minutes.

1.2 Legal Implications

- 1.2.1 There are no other notable legal implications other than those set out at paragraph 1.1.9.

1.3 Financial and Value for Money Considerations

- 1.3.1 The process of updating the individual Parish Councils does take a lot of officer time. However, the local enforcement plan has provided some much needed clarity on the level of service that can be provided going forward which should allow for more efficient and transparent ways of working.

1.4 Risk Assessment

- 1.4.1 None identified

Background papers:

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