

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO:**

COUNCIL

22 November 2023

Report Title: Local Planning Enforcement Plan

Submitted by: Service Director - Planning

Portfolios: Strategic Planning

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To seek approval and adoption of a revised and updated Planning Enforcement Plan.			
<u>Recommendation</u>			
That Council approves the adoption of the Planning Enforcement Plan appended to this report.			
<u>Reasons</u>			
<p>Planning enforcement is a discretionary power available to local planning authorities. As such national guidance advises that Councils approve and adopt a planning enforcement plan setting out their approach to enforcement matters for the benefit of residents, communities, business and the development industry.</p> <p>Under the Council constitution it is the responsibility of the Council to formally approve and adopt the Planning Enforcement Plan as part of the Authority's Enforcement regime.</p>			

1. Background

- 1.1 At the Cabinet meeting of the 19th September 2023 a report was received proposing the approval of a revised and updated Planning Enforcement Plan to be used as the basis for investigating and where appropriate enforcing against breaches of planning control.
- 1.2 Under the Council's constitution certain defined policies and strategies must be formally approved by Council prior to being implemented, this includes matters relating to enforcement. As such Council is asked to approve the Planning Enforcement Plan appended to the report at Appendix 1.

2. **Issues**

- 2.1 It is important that Enforcement Plans are reviewed and kept up to date. The Council's Local Planning Enforcement Plan has been reviewed and revised to ensure that it is in accordance with current national guidance and has been consulted on.

3. **Recommendation**

- 3.1 That Council approves and adopts the Planning Enforcement Plan attached at Appendix 1

4. **Reasons**

- 4.1 Planning enforcement is a discretionary power available to local planning authorities. National policy guidance advises that Council's approve and adopt a planning enforcement plan setting out their approach to enforcement matters for the benefit of residents, communities, business and the development industry.
- 4.2 It is important that Enforcement Plans are reviewed and kept up to date. The existing Council Local Enforcement Plan has been reviewed and revised to ensure that it is in accordance with current national guidance and has been consulted on.

5. **Options Considered**

- 5.1 The Council could decide not to approve and adopt the revised plan and rely on the current existing Planning Enforcement Plan. Not having an up-to-date Plan however would leave the Council in a weaker position with regard to any future enforcement action.

6. **Legal and Statutory Implications**

- 6.1 The principal legislation underpinning planning enforcement is enshrined in the Town and Country Planning Act 1990 and related amendments. A raft of other associated legislation does however also apply in certain areas/forms eg. The Localism Act 2011. The main policy guidance is set out in the National Planning Policy Framework (NPPF) and related National Planning Policy Guidance (NPPG).

7. **Equality Impact Assessment**

- 7.1 The Enforcement Plan and its subsequent implementation through the activities of the Council are intended to address issues around unauthorised development. The approach advocated does not consider nor should it the perpetrators (alleged or otherwise) of such development nor seek to discriminate for or against the residents or local communities that are impacted.

8. Financial and Resource Implications

8.1 The costs of implementing a new and revised Enforcement Plan are intended to be met within existing Planning Service budgets.

9. Major Risks & Mitigation

9.1 There are no major risks in progressing with a new Enforcement Plan. It will help clarify the Council's approach to enforcement activity for all parties and explain what powers are available to the Authority. There is some risk that expectations will be raised on the part of local residents and communities and these will have to be suitably managed. A greater risk is not having an up to date plan and relying on older policy and guidance which could potentially cause issues for the Authority.

10. UN Sustainable Development Goals (UNSDG)

10.1 The planning system acts to provide for suitable and sustainable development that meets justified needs. Planning Enforcement powers allow local planning authorities to investigate breaches of planning control including developments which may not be sustainable in themselves or adversely affect the environment of a locality and living conditions.



11. Key Decision Information

11.1 Not Applicable

12. Earlier Cabinet/Committee Resolutions

12.1 [Decisions 19th-Sep-2023 16.00 Cabinet.pdf \(newcastle-staffs.gov.uk\)](#)

13. List of Appendices

13.1 Appendix 1 - Report to 19th September 2023 Cabinet and appended Planning Enforcement Plan.

14. Background Papers

14.1 [Report to Cabinet 19th September 2023](#)

14.2 [Report to Planning Committee 18th July 2023](#)