

Subject: Consultation on Draft Planning Enforcement Plan
Meeting date: 14 October 2019
Report to: Planning Committee
Report of: Claire O'Brien, Interim Assistant Director of Planning

For decision

This report will be considered in public

1 Summary

- 1.1 This report sets out OPDC's intention to undertake public consultation on OPDC's draft Planning Enforcement Plan (Appendix A) and, subject to any modifications required as a result of the public consultation, adopt the Planning Enforcement Plan. This report seeks the comments of the Planning Committee on the draft Enforcement Plan and for members to note the intention to consult.
- 1.2 The purpose of a Planning Enforcement Plan is to set out the principles, priorities and processes which will be adopted by OPDC when handling planning enforcement matters within its boundary. The Enforcement Plan will also set out what residents and businesses can expect from OPDC when an alleged breach of planning control is reported. The adoption of a local Planning Enforcement Plan is supported by paragraph 58 of the National Planning Policy Framework (NPPF) and within National Planning Practice Guidance (NPPG).
- 1.3 The draft Planning Enforcement Plan has been prepared in accordance with the policies and advice contained in both the NPPF and NPPG. Early engagement with the local boroughs (Brent, Ealing and Hammersmith & Fulham) has been undertaken in developing the draft Enforcement Plan prior to the public consultation process.

2 Recommendations

The Committee is asked to:

- 2.1 **Comment on the Draft Enforcement Plan; and**
- 2.2 **Note the intention to undertake public consultation for a 6-week period and adopt the final Enforcement Plan subject to any modifications required, taking account of representations received during the public consultation process.**

3 Background Information

- 3.1 OPDC is the local planning authority for the OPDC area. One of the statutory functions of the local planning authority is the enforcement of planning controls within its boundary.
- 3.2 To date, OPDC has relied on significant support from enforcement officers within the boroughs to address breaches of planning control. However, in order to ensure OPDC is able to fulfil its statutory duties effectively and demonstrate its commitment to dealing with planning enforcement matters, officers have identified a need for an OPDC-wide enforcement plan. Whilst OPDC will continue to work collaboratively with the boroughs to address breaches of planning control, a planning enforcement specialist has also been appointed to advise OPDC on enforcement matters and to assist in investigating suspected breaches of planning control.
- 3.3 The concept of producing an Enforcement Plan for the OPDC area is supported in national planning policy and guidance. National planning policy on planning enforcement is set out in paragraph 58 of the National Planning Policy Framework (NPPF) and further advice on why local planning enforcement plans are important is set out within National Planning Practice Guidance (NPPG): -

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

- *allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;*
- *sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;*
- *provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;*
- *provides greater certainty for all parties engaged in the development process.”*

(NPPG)

4 Draft Enforcement Plan

- 4.1 Officers have reviewed and prepared the draft Planning Enforcement Plan in accordance with the planning policy and advice contained within the NPPF and NPPG. The purpose of the Planning Enforcement Plan is to manage enforcement proactively in a way that is appropriate to the local area. By setting priorities for the area, the plan can also act as a tool for decision making when considering formal planning enforcement action. More importantly, this plan sets out what residents and businesses can expect from OPDC when reporting an alleged breach of planning control and what action might follow should a breach of planning control be established.
- 4.2 The draft Enforcement Plan sets out a short background to planning enforcement and the role of OPDC as local planning authority, followed by sections covering the principles, priorities and processes which will be applied when handling planning enforcement matters within the area.
- 4.3 OPDC officers have undertaken early engagement with the three boroughs (Brent, Ealing and Hammersmith & Fulham) to inform the content of the draft Enforcement Plan. This has involved individual meetings with enforcement officers at each of the boroughs and an opportunity to provide comments on the draft prior to public consultation.
- 4.4 Subject to the comments of the Planning Committee, it is envisaged that the draft Planning Enforcement Plan will be published on OPDC's website for public comment for a period of 6-weeks. Whilst there is no statutory requirement to consult publicly on the draft Enforcement Plan, it is generally considered good practice for a local planning authority to provide an opportunity for public comment before an Enforcement Plan is adopted. A copy of the draft Enforcement Plan will be made available to view online and this will be publicised through the OPDC newsletter.
- 4.5 Following the 6-week public consultation period, a summary report of consultation responses will be produced, and any responses will be considered when preparing the final Enforcement Plan for adoption.
- 4.6 Officers are seeking comments from the Planning Committee on the draft Enforcement Plan and asking members to note OPDC's intention to undertake public consultation and adopt a final Enforcement Plan, taking into account any representations received.

5 Equality Comments

- 5.1 Officers have taken into account the public sector equality duty which requires the identification and evaluation of the likely potential impacts, both positive and negative, of the decision on those with protected

characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation). In this instance, given the procedural nature of the Enforcement Plan, there are no equality implications relating to the preparation of this document.

6 Financial Implications

- 6.1 No direct financial implications arise from this report. All expenditure on the preparation of the Enforcement Plan is subject to the Corporation's decision-making process.

7 Legal Implications

- 7.1 No direct legal implications arise from this report and it is consistent with the Corporation's legal framework.

Appendices

Appendix A – Draft Enforcement Plan

Background Papers

None

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