

Executive Report

Delegated Decisions – 14 November 2023

LOCAL PLANNING ENFORCEMENT PLAN 2023

Name of Cabinet Member	Councillor Pete Marland Leader of the Council
Report sponsor	Paul Thomas Director of Planning and Placemaking
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Exempt / confidential / not for publication	No
Council Plan reference	Well planned growth / Doing the essentials well
Wards affected	All wards

Executive summary

To agree the revised Local Planning Enforcement Plan (LPEP), attached at **Annex A**. This sets out the steps and expectations for handling complaints about alleged breaches of planning control, confirming how the Council will prioritise, handle and respond to complaints, and ensuring that stakeholders and interested parties are appraised of progress with investigations.

1. Proposed Decision(s)

- 1.1 That the revised Local Planning Enforcement Plan (LPEP) be adopted, replacing the previous version adopted in January 2021¹.
- 1.2 That authority be delegated to the Director of Planning and Placemaking, in consultation with the Portfolio Holder for Planning to, where necessary, update the LPEP solely to take account of any relevant changes to national policy, legislation and case law.

2. Reasons for the decision?

- 2.1 National planning policy encourages the publication of a LPEP to manage enforcement proactively, in a way that is appropriate to area, setting out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

¹ Delegated Decision on 5 January 2021

2.2 The national approach is reflected in the Council Plan in delivery of well planned growth and doing the essentials well.

3. Background to the decision

3.1 Since the adoption of the previous LPEP, the Planning Service has delivered a more responsive and effective enforcement function to respond to alleged breaches of planning control. However, use of the current LPEP has revealed several observations:

- It does not effectively communicate what is a planning matter, leading to many complaints which are then redirected to other Council services and organisations;
- Prioritisation of complaints does not match the reasonable resources available to respond to those breaches causing irreversible harm;
- Residents are not clear as to the way complaints are investigated and when they can expect to receive updates; and
- The existing LPEP duplicates national guidance², watering down the key, local messages of the LPEP.

3.2 The revised LPEP has considered the comments of other services within the Council, including Regulatory Services.

3.3 The revised LPEP has also been subject to consultation with local ward councillors and our town and parish councils. This consultation took place over 6 weeks and closed on 13 October, with the responses summarised and addressed at **Annex B** to the report. The revised LPEP reflects the changes arising as a result.

4. Implications of the decision

Financial	Y	Human rights, equalities, diversity	
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	
Energy Efficiency		Workforce	

a) Financial implications

The revised LPEP cements existing practices to work with other Council services to resolve complaints in an effective and timely manner. It is anticipated that improved communications and pro-active planning enforcement resources will both reduce the likelihood of breaches occurring and the need to investigate some complaints.

b) Legal implications

Setting out clearly the procedures that the Council will follow can assist in defending decisions made on planning enforcement complaints.

² Freely available through the Planning Practice Guidance

c) Communications

The revised LPEP provides a comprehensive policy for use by officers, councillors and our communities, ensuring a consistent and proportionate approach and enhancing wider understanding of the discretionary planning enforcement function of the Council, provided in the public interest.

d) Human rights, equalities, diversity

The LPEP informs planning decisions in an enforcement capacity, where professional judgement is required to consider the development plan and material planning considerations. On occasions, these decisions can have an implication for human rights, equalities and/or diversity, and the revised LPEP will ensure that the rationale for these decisions are fully evidenced.

e) Policies or Council Plan

An effective planning enforcement service, informed by the revised LPEP, will continue to underpin the aims and objectives of Plan:MK. Furthermore, the revised LPEP would contribute to ensuring our procedures, decisions and actions are open and transparent, and deliver on the following objectives from the Council Plan:

Well planned growth:

- Timely and appropriate enforcement activity.
- Improved communication on ... the role and limitations of the local planning authority.

Do the essentials well:

- Provide the best quality open and accessible services we can for the level of resources available.
- Ensure appropriate services and facilities for new communities.

5. Alternatives Considered

- 5.1 To retain the existing LPEP would not allow the most efficient and effective use of resources within the planning enforcement function, limiting the speed at which complaints can be investigated and increasing the potential for irreversible harm to be caused.
- 5.2 Furthermore, retention of the current LPEP limits the ability to provide a clear message to stakeholders and communities as to the role and purpose of the planning enforcement function.

6. Timetable for implementation

- 6.1 The revised LPEP will be adopted immediately following this Delegated Decision and communicated to stakeholders, with it also placed on the Council's website. It will be reflected in internal procedures and performance measures by 1 December 2023.

List of Annexes

Annex A Revised Local Planning Enforcement Plan (LPEP)

Annex B Summary of Consultation Responses

List of background papers

National Planning Policy Framework

www.gov.uk/guidance/national-planning-policy-framework/4-decision-making

Planning Practice Guidance

www.gov.uk/guidance/ensuring-effective-enforcement

RTPI Planning Enforcement Handbook

www.rtpi.org.uk/practice/2020/may/planning-enforcement-handbook-for-england/