

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

12<sup>TH</sup> OCTOBER 2021

## CABINET MEMBER WITH RESPONSIBILITY FOR PLANNING, BUILT ENVIRONMENT AND RURAL AFFAIRS: COUNCILLOR REBECCA BREESE

<b>Report Title</b>	Local Enforcement Plan for West Northamptonshire
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### Contributors/Checkers/Approvers

Catherine Whitehead	Director Legal and Democratic and Monitoring Officer	17/09/2021
Martin Henry	Executive Director Finance (S151 Officer)	21/09/2021
Councillor Rebecca Breese	Portfolio Holder for Planning, Built Environment and Rural Affairs	17/09/2021
Stuart Timmis	Executive Director Place and Economy	17/09/2021
Jim Newton	Assistant Director Growth, Climate and Regeneration	17/09/2021
Theresa Boyd	Planning Solicitor Legal Services	17/09/2021
Antony Russell	Senior Finance Business Partner Finance Team	26/08/2021
Craig Forsyth	Marketing and Communications Manager Communications Team	24/08/2021

### List of Appendices

#### Appendix A – Draft West Northamptonshire Council Local Enforcement Plan

#### 1. Purpose of Report

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**1.1** To adopt the Draft West Northamptonshire Council Local Enforcement Plan.

## **2. Executive Summary**

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**2.1** A Local Enforcement Plan details the Council's approach to planning enforcement.

**2.2** Currently Daventry, Northampton and South Northants all have different Local Enforcement Plans in place, as these were introduced prior to Vesting Day.

**2.3** The Draft WNC Local Enforcement Plan has been produced by officers from all former local authority areas and includes aspects from each of the existing plans. It also covers enforcement by the Minerals and Waste Planning Service.

## **3 Recommendations**

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**3.1** It is recommended that the Executive Leadership Team:-

- Adopt the Draft WNC Local Enforcement Plan

## **4. Reason for Recommendations:-**

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- It outlines a consistent approach to Planning Enforcement across West Northants.
- It is written in a style that easy is for the public to read and understand.
- It identifies clear targets and timeframes for dealing with Planning Enforcement cases.

## **5. Report Background**

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a. The WNC Local Enforcement Plan addresses the following questions:-

- What do we aim to accomplish through planning enforcement?
- What is a breach of planning control?
- How are suspected breaches of planning control investigated?
- How do we determine the appropriate course of action for addressing a breach?
- What powers are available to enforce compliance with planning control?
- What is the approximate timeframe for dealing with an enforcement matter?

b. The overarching aim of our enforcement plan is to deal with suspected breaches of planning control in an effective, proportionate, consistent and helpful manner. This includes:-

- Providing an accessible service that maintains public confidence in the planning system
- Providing a response that is prioritised according to the harm caused by the breach
- Achieving a balance between protecting amenity and allowing acceptable development to remain or continue in the absence of permission
- Monitoring our own performance in delivering the service

## **6. Issues and Choices**

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### **a. Issues**

- i. As there are separate enforcement plans in place in Daventry, Northampton and South Northamptonshire there is an inconsistent approach to planning enforcement across the area.
- ii. We want people to understand how enforcement works and how we will carry out the enforcement function. Currently residents will receive different guidance based on which local area website they access, and they may not understand why there are different policies in place across West Northamptonshire.
- iii. This may also cause confusion as to where to find the correct guidance, as it might not be clear that there are different policies for each area.
- iv. Some of the existing plans are not clear on how enforcement works and the priorities of when, how and why we investigate potential breaches of planning control. The enforcement process is not clearly mapped out on all existing enforcement plans.
- v. Some of the existing plans go into lots of technical detail, making them harder to understand and less accessible to the public.

### **b. Choices**

- i. We can either carry on as we are with three separate enforcement plans in place, or we can adopt a new, unified approach across West Northamptonshire.

## **7. Implications (including financial implications)**

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### **a. Resources and Financial**

- i. By having a set process for dealing with potential breaches of planning control, it should save officers time as they will have a clear understanding of how to triage cases and the steps to follow to complete the investigation.
- ii. By providing clearer guidance to officers and residents on when Enforcement Notices are issued, it is likely that there will be less appeals.
- iii. Having a clear Local Enforcement Plan which manages expectations and sets out timescales should limit the number of complaints from residents, as they will have more clarity on the planning enforcement process.

**b. Legal**

- i. The National Planning Policy Framework recommends that Local Planning Authorities publish a Local Enforcement Plan to manage enforcement proactively and in a way that is appropriate to their area. Adoption of the West Northamptonshire Local Enforcement Plan will ensure the Council as Local Planning Authority is consistency in the prioritisation, consideration and determination of enforcement action.
- ii. Enforcement Officers will liaise with Legal colleagues when drafting Enforcement Notices.

**c. Risk**

- i. There are no significant risks arising from the proposed recommendations in this report.

**d. Consultation**

- i. No requirement for statutory consultation. The priority of the Local Enforcement Plan is to ensure a consistent approach is put in place based on existing best practice.

**e. Consideration by Overview and Scrutiny**

- i. This document was considered and approved by the WNC Executive Leadership Team.

**f. Climate Impact**

- i. None as a direct result of this report, which is concerned with WNC procedures and responsibilities.

**g. Community Impact**

- i. Having a single Local Enforcement Plan, written in language that is easier for residents to understand, will provide West Northamptonshire residents with a better understanding of the planning enforcement process and enable them to better understand why action is / isn't taken.
- ii. The Local Enforcement Plan considers the implications of the Human Rights Act 1998, specifically the impact of the proposed action (or inaction) on the human rights of all relevant parties. When assessing new cases, due regard is taken to WNC's equality duty as contained within the Equalities Act 2010.

**8. Background Papers**

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- a. N/A