

# Enforcement Report



**Report to:** Development Committee

**Date:** 11 October 2023

**Lead Officer:** Elizabeth Beighton, Development Manager (01279) 446883

**Contributing Officer:** Paul Dean, Principal Enforcement Officer (01279) 446841

## Recommended that:

- A** Members note the contents of the Enforcement Plan, as set out in Appendix A to the report, and endorse it to be used in discharging the Council's responsibilities in undertaking planning enforcement.

## Background

1. Paragraph 58 of the National Planning Policy Framework 2018 states that "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate".
2. Harlow District Council ("the Council") consider that the planning enforcement role is crucial in ensuring that buildings and land uses accord to national and local planning policies and planning permissions; such policies and permissions having been adopted as a means to protect the district, and its residents', environment and amenity.
3. Listed buildings and protected trees are irreplaceable heritage assets and, as such, deserve to be protected. Accordingly, the Council will treat unauthorised works to listed buildings or protected trees as a high priority. Such unauthorised works are a criminal offence.
4. The purpose of this document is to set out the Council's specific plan for the enforcement of planning control. This plan will ensure that Councillors and Officers, external agencies and the community are aware of our general approach to planning enforcement.

5. The plan is based on the following guiding principles, which are set out below:

- a) Proportionality: to ensure that action taken relates directly to the actual or potential risk (for example to health, safety or the environment.)
- b) Accountability: to a number of interested parties. This may include elected members, local and national businesses, members of the public and national regulatory bodies.
- c) Consistency: to ensure that similar issues are dealt with in the same way, having regard to and making full use of guidance produced by Government and other national agencies.
- d) Transparency: to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory.
- e) Objectivity and Equality: to ensure that decisions are not influenced by a person's age, disability, race, religion or belief, sex, sexual orientation, gender re-assignment, marriage and civil partnership, pregnancy or maternity status.

### **Issues/Proposals**

- 6. It is proposed that the Enforcement Plan is endorsed and used as a tool for undertaking the Council's enforcement responsibilities.
- 7. It is to be placed on the Council's website for public inspection and kept 'live'.

### **Implications**

#### **Equalities and Diversity**

No impact associated with this document.

#### **Climate Change**

None

#### **Finance**

None specific.

Author: Simon Freeman, Deputy Chief Executive and Director of Finance

#### **Governance and Corporate Services**

None specific.

Author: Simon Hill, Director of Governance and Corporate Services

### **Strategic Growth and Regeneration**

A robust enforcement policy is important for the Council to be able to protect the environment and built form of the town, preventing inappropriate or illegal development. It is therefore important that Members are appraised of the enforcement process and priorities as well as receiving regular reports on enforcement action.

Author: Andrew Bramidge, Chief Executive

### **Appendices**

Appendix A - Enforcement Plan