

**REPORT OF HEAD OF PLANNING
TO: PLANNING COMMITTEE
DATE: 9th February 2017
RE: PLANNING ENFORCEMENT AND POLICY STATEMENT**

Background

1. At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales. The Objectives and Scope of the review included:
 - To review the current planning enforcement policy and protocols.
 - To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
 - To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
 - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
 - To formulate recommendations for consideration by the Executive Board.
2. The scope included a range of enforcement activities undertaken by the Planning Services Division including:
 - Unauthorised erection of buildings or works
 - Unauthorised change of use, building or land
 - Unauthorised display of advertisements
 - Unauthorised works to protected trees and hedgerows
 - Unauthorised work to buildings listed as being of special architectural or historic interest
 - Unauthorised demolition of certain buildings in a Conservation Area
 - Planning permission is in place however the terms and condition of that permission or any legal agreement.
 - Land that is in a poor condition that adversely affects the amenity of the Area
 - Planning issues raised by the Licensing Act 2003
 - Advertisements
 - Breaches of Hedgerow Regulations 1997
 - Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003)
 - Minerals and Waste site monitoring
 - Wind turbine developments – noise monitoring

3. The recommendations of the Group were accepted by the Executive Board at their meeting on the 28th July 2014, planning enforcement cases are now assessed in accordance with this adopted protocol.
4. Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:
 - Top priority cases Within 2 working days
 - High priority cases Within 5 working days
 - Medium priority cases Within 10 working days
 - Lower priority cases Within 15 working days
5. The National target of resolving a case within 12 weeks remains, and will be reported to Planning Committees as previous .Resolved is defined as:
 - i) No breach found
 - ii) Not expedient to take action
 - iii) Breach ceased
 - iv) Retrospective planning application received
 - v) Relevant notice served
6. It is the County Council's present policy to report Enforcement matters to the Planning Committee on a quarterly basis, and the County Council's performance in relation to these targets for Quarter 3 (October / November / December) are attached. Whilst a brief description of individual planning enforcement cases and progress to 31st December 2016 is contained in the following report.
7. The target figure currently identified is that 80% of enforcement matters should be 'resolved' within a 12 week period. The achieved percentage across the County is Quarter 3 68%
8. Members will note that the following report on individual enforcement cases contains information which could lead to the County Council taking legal action against third parties who have undertaken unauthorised developments which are considered unacceptable. For this reason, and in accord with paragraph12-13 & 17-18..... of part 4 of schedule 12(a) to the Local Government Act 1972, as amended by the Local Government (Access to Information (Variation)(Wales) Order 2007, this item contains exempt information and the public will be excluded from the meeting during such consideration.

PLANNING ENFORCEMENT AND MONITORING

**Performance in relation to Best Value National
Planning Performance Indicator Targets**

Quarter 3 (October / November / December)

PERFORMANCE INDICATORS: PLANNING ENFORCEMENT

CASES RESOLVED WITHIN 12 WEEK DEADLINE

3rd QUARTER 2016 / 2017 October - December

TOTAL RESOLVED	113
RESOLVED WITHIN 12 WEEKS	77

PERCENTAGE RESOLVED WITHIN 12 WEEKS	68%
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