

Title of paper	Planning Enforcement Plan
Presented by	Michael Jessop, Head of Development Management
Status	For approval
Recommendation	<p>1) That the annexed document (subject to any minor amendments agreed by the Director of Planning & Place) is approved for publication on the EDC's website.</p> <p>2) That authority is delegated to the Director of Planning & Place to provide further updates to the document to reflect any changes to legislation.</p>

Purpose of Paper

This report seeks approval of the Planning Enforcement Plan.

Annex

Annex 1 – Draft Planning Enforcement Plan dated January 2024

1. Introduction

- 1.1 The planning powers that were transferred from the local authorities to EDC in 2015 included those relating to planning enforcement. In the early years of the EDC the number of cases being reported was very low and much of the work related to proactive compliance monitoring. Whilst the number of live cases is significantly lower than most local planning authorities, we have seen an increase over the last couple of years as more residents move into the area. We expect this trend to increase.
- 1.2 EDC has drafted a Planning Enforcement Plan in order to provide greater transparency of the EDC's approach to investigating alleged cases of unauthorised development and taking action where appropriate.

2. Policy Background

- 2.1 This Plan directly responds to the NPPF (para. 59) which states:-

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.

3. Planning Enforcement Plan

- 3.1 The draft Plan is attached in Annex 1. The document provides information on what is and what is not considered a breach of planning control, how a breach can be reported and how cases will be prioritised. The Plan also includes information on the different routes that are available to EDC in pursuing enforcement cases.
- 3.2 We have considered the content of similar documents published by Dartford Borough Council and Gravesham Borough Council in the drafting of the Plan.
- 3.3 The quarterly Planning Activity Reports will contain information on planning enforcement activity that has been carried out.

4. Recommendation

- 4.1 It is recommended that the annexed document (Annex 1) is approved for publication on the EDC's website and for use when conducting planning enforcement work.
- 4.2 The Plan has been drafted based on current legislation and guidance but provisions in the Levelling Up and Regeneration Act may result in changes, for example the period in which the development is immune from action. It is therefore also recommended that authority is delegated to the Director of Planning & Place to provide further updates to reflect any changes to legislation.