

National Park Authority Planning & Access Committee



Agenda Item 7

Enforcement Charter Update

Paper for decision

1. Introduction

- 1.1 Planning authorities have a statutory duty to prepare an enforcement charter and to keep it under review, updated and re-published on a two yearly cycle. Enforcement charters explain the enforcement system to the public and as the NPA's charter was last published in 2014, it has been reviewed and updated.

2. Recommendation

- 2.1 Members are invited to agree the updated Enforcement Charter.

3. Background

- 3.1 Planning permission is needed for most development and planning authorities have powers to enforce these controls and a duty to investigate alleged breaches of planning control.
- 3.2 The charter explains how the enforcement process works including what unauthorised development is and how someone with a concern can report it. The charter explains the steps involved in following up concerns including verification that it is a valid breach (and not a civil or other regulatory matter) and what happens at each stage of what can be a complex, lengthy process with unpredictable timescales. The charter sets out the timescales for acknowledging the initial concern (5 working days), for making a site visit (5 – 15 working days depending on the priority category) and for reporting back with early findings (20 working days). The charter explains that each case is prioritised depending on the nature of the breach, the sensitivity of the site and the relative significance of any impacts. The highest priority being the more serious breaches like works affecting designated sites, listed buildings, protected trees or works that endanger the public.
- 3.3 The charter emphasises the constructive, not punitive, purpose of enforcement investigations and the importance of assessing each case individually. Where a breach is minor with no demonstrable public harm or where some adjustment or mitigation has been negotiated and carried out, then no further action is needed and the case is closed. In some cases a retrospective planning application is requested, and can be required under s33A of the planning Act, to allow for a full consideration of the development including with consultation and neighbour notification where relevant. The taking of formal action i.e. service of an enforcement notice, is

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generally a last resort and only where it is expedient in the public interest, necessary and proportionate to the harm caused by the breach and in line with the

development plan and all other material considerations. The charter points out that an enforcement register with details of enforcement notices, breach of condition notices and stop notices is available online and at HQ for inspection.

- 3.4 The charter explains the powers of entry to land for investigative purposes and the statutory time limits on the taking of enforcement action, namely: 4 years in the case of operational development and where a building, previously used for a different purpose, is used as a dwellinghouse; and 10 years in all other cases which are mainly material changes in the use of land or a building and breaches of condition.
- 3.5 Since 2013 there have been no changes made to the statutory planning enforcement framework or to the government's policy and guidance on the subject. As a result, no significant changes are proposed to be made to the content of the charter as a consequence of the review. Rather the review has focused on confirming the statutory re-publication date and updating some of the wording and arrangement of the paragraphs to make it more user friendly.

Appendix 1 – Enforcement Charter

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