

Planning Enforcement Policies

A breach of planning control is defined in [section 171A of the Town and Country Planning Act 1990](#) as:

- The carrying out of development without the required planning permission; or
- Failing to comply with any condition or limitation subject to which planning permission has been granted

Our planning enforcement policies were originally adopted in February 1999 and have been updated to align with current circumstances.

Local Plan Core Strategy Policies

The adopted Local Plan Core Strategy is the Council's main development plan document. Together with saved policies from the Local Plan first Review, it provides the policies that will be used to determine planning applications in the Borough. These policies are equally relevant when considering enforcement action.

Enforcement strategy 1 (EN1)

The Borough Council will use enforcement powers when and where it is necessary, to implement Local Plan Core Strategy policies and proposals.

Areas of Special Protection

There is a range of policy notation and designation for areas warranting special protection through the planning system. The Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty, Conservation Areas, Sites of Special Scientific Interest, and other designations such as Special Landscape Areas will all be given special protection through planning enforcement.

Enforcement strategy (EN2)

Areas of Special Protection will be given protection through planning enforcement and, when public amenity is adversely affected, action will normally be taken against contraventions.

Safety and Accessibility

Safety

Public (usually highway) safety will be accorded particular attention in enforcement investigations and action will be taken whenever there are unacceptable risks to the public, for example, in the formation of unlawful accesses to highways.

Enforcement strategy (EN3)

Public safety will be afforded particular attention in enforcement investigations and action will be taken whenever there are unacceptable risks to the public as a result of a breach of planning control.

Accessibility

The planning enforcement service is committed to equal access to all sections of the local community.

Enforcement strategy (EN4)

The planning enforcement service is available to all sections of the community, regardless of gender, race or disability.

Economic regeneration

This issue encompasses one of the conflicts central to planning enforcement. Breach of planning control may be causing a nuisance to residents but may also be a useful component of the local economy. The balance which has to be struck must be

guided, in particular, by the advice of [National Planning Practice Guidance](#) and the [National Planning Policy Framework](#): planning enforcement is an action of last resort when there is actual harm to public amenity or public interest. The action should be commensurate with the breach.

Enforcement strategy (EN5)

Planning enforcement will be taken as an action of last resort when there is harm to public amenity or public interest. The function of a breach of planning control in the local economy will be a material consideration in that judgement.

Quality of life for residents

The potential conflict between this and the previous theme of economic regeneration is often brought into focus in the planning enforcement process. The amenity of residents will always be a material consideration and its protection will be an objective of the service.

The inherent conflict described above is approached by a process of negotiation, plus encouragement to consider compromise and mitigation. This approach is often successful in removing the nuisance, or the breach, without resorting to formal action. A rapid response to residents' complaints often provides important reassurance in stressful situations.

Enforcement strategy (EN6)

The quality of life for residents will be protected through the planning enforcement process, taking account of other material considerations. An approach of negotiation will normally be pursued prior to considering whether it is expedient to take formal action. Initial investigations will be carried out within a few working days of receipt of the complaint for more information check.

Private disputes and non-planning issues

Very often "bad neighbour" disputes are expressed as complaints to the council and requests for planning enforcement. If there are private, or civil law solutions to these complaints, the council does not become involved. Similarly, if other enforcement or regulatory agencies are empowered to control a situation, the council will not duplicate such other action.

Enforcement strategy (EN7)

Private disputes and matters properly controlled by other agencies will not be the subject of enforcement action.

Agency liaison

Cooperation with other council departments and external agencies (for example the Fire and Police Services, Environment Agency etc.), is an integral part of the current approach to enforcement and complements the approach described in paragraph 7.

Enforcement strategy (EN8)

The planning enforcement function will be integrated with the regulatory functions of other council departments or external agencies where appropriate.

Proactive enforcement

Proactive planning enforcement currently includes monitoring Conservation Areas, and a triennial survey of the Culverstone Valley Area. Subject to resources there is

potential for further proactive enforcement, e.g., in untidy land, control of fly posting and hoardings, and monitoring of planning conditions.

Enforcement strategy (EN9)

Proactive enforcement of regular or anticipated breaches of planning control will be undertaken as resources permit.

Staff Safety

Planning enforcement is often confrontational and occasionally dangerous. The council has policies relating to lone working and unacceptable behaviour affecting staff. The provision of adequate staff and equipment is essential if undue risks are to be avoided and appropriate sanctions, including legal action, should follow any serious incident.

Enforcement strategy (EN10)

The planning enforcement function will be provided with adequate staff and resources to ensure safe working practices.