

Report of the Head of Development Services

## **Publication of the Planning Enforcement Register Online**

### **Summary**

1. Local Planning Authorities are required as part of ([section 188 of the Town and Country Planning Act 1990](#) and [article 43 of the Town and Country Planning \(Development Management Procedure \(England\) Order 2015\)](#)) to maintain a register of Enforcement and Stop Notices. The register needs to record as soon as possible the following actions:
  - Enforcement notices
  - Stop notices
  - Breach of condition notices
  - Planning enforcement orders
2. Previously the Enforcement Register was copies of notices and orders in alphabetical order in a paper file record holder. A review of the register took place and a revised register has been produced which has details of notices and orders for the last ten years on a yearly basis (from 2009 onwards). Records prior to 2009 remain in the paper files.
3. The spread sheet register contains the following information:
  - Enforcement case number
  - Address of the land to which the notices relates
  - The Local Authority
  - Date of issue
  - Date of serviced copies of the notice
  - Summary of breach
  - Requirement of the notice
  - Period in which the required steps to be taken

- Date notice takes effect
- Postponements by reason of an Appeal and the Date of the Final Determination
- Date of Service of Stop Notice - Statement or summary of the activity prohibited by Stop Notice
- Date of withdrawal of Stop Notice
- Date which Authority satisfied required steps have been taken

4. It is proposed to publish the updated Enforcement Register online to enable easier public access to the information. At present if members of the public wish to view the register an appointment is needed where the paper files can be viewed. The Council's web site has a planning enforcement register page however the page says the information is currently unavailable.
5. If agreed the register and the web site will be regularly updated and will have a dates of when the register was published to the web site.
6. As outlined above the information to be published does not contain any personal information with regard to individuals it relates only to the land where the notice or order has been served.

### **Recommendation**

7. The Executive Member is asked to either:
  - a. Approve the publication of the register online or
  - b. Agree the continued use of paper copies of the register and update website to outlined that an appointment needs to be made to view the paper copies

Reason: To ensure that the Local Planning complies with its duty under section 188 of the Town and Country Planning Act 1990 and article 43 of the Town and Country Planning (Development Management Procedure (England) order 2015)

## Background

8. Local Planning Authorities are responsible for taking necessary Enforcement action, in the public interest when it is expedient to do so. There is a range of ways of tackling alleged breaches in planning control and Local Planning Authorities are required to act in a proportionate way.
9. There are a number of options available to Local Planning Authorities in terms of Enforcement these can range from no formal action being taken to formal notices and orders.
10. 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.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), constitutes a breach of planning control against which enforcement action may be taken.

11. In terms of the Enforcement Register points 12 to 15 below explain each of the enforcement processes that require inclusion on the register.
12. An Enforcement Notice explains that a breach in planning control has taken place and what constitutes the breach. The notice also outlines what steps are required to be taken or what activities should cease in order to remedy the identified breach. The notice also gives a time for compliance and a date when the notice takes effect.
13. An Enforcement Order is where an unauthorised development has been deliberately concealed and the deception may not come to light until after the time limits for taking enforcement action have expired. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.
14. A Stop Notice can prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, ahead of the deadline for compliance in that enforcement notice.

15. A Breach of Conditions notice requires its recipient to secure compliance with the terms of a planning condition or conditions, specified by the local planning authority in the notice. Any recipient of a breach of condition notice will be in breach of the notice if, after the compliance period, any condition specified in it has not been complied with, and the steps specified have not been taken or the activities specified have not ceased.
16. For clarification the Planning Enforcement Cases – Update which is considered quarterly at the Area Sub Committee will remain that same and will be unchanged by the publication of the register.

## **Consultation**

17. This report is for the Executive Member therefore no consultation has taken place regarding the contents of the report.

## **Options**

18. The Executive Member is asked to either:
  - a. Approve the publication of the register online or
  - b. Agree the continued use of paper copies of the register and update website to outlined that an appointment needs to be made to view the paper copies

## **Council Plan**

19. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of. section should explain how the proposals relate to the Council's 3 key priorities, as set out in the Council's Plan 2015-19 and other key change programmes.

## **Implications**

- **Financial** There are no financial implications
- **Human Resources (HR)** There are no HR implications
- **Equalities** There are no equalities implications
- **Legal** There are no legal implications
- **Crime and Disorder** There are no crime and disorder implications

- **Information Technology (IT)** There are no IT implications
- **Property** There are no property implications
- **Other** There are no other implications

## Risk Management

20. There are no known risks

## Contact Details

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**Author's name**

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Corporate Director of Economy and Place

**Report**  **Date** 23 August 2019  
**Approved**

**Wards Affected:**

All

**For further information please contact the author of the report**

## Background Papers:

None

## Annexes

None