

**Responses to questions asked by Committee Members**

**Question 1 - open to any Officer within the Planning Department to respond**

1. Why are enforcement notices put 'on hold' whilst another application is submitted as the enforcement notice is to the previous application?

**Answer**

2. Planning policy guidance and best practice advocates that proceeding to/with formal notices should be a last resort and that every effort should be made to resolve any harmful effect of a breach by negotiation and persuasion, with the person(s) in breach being given the opportunity to re-mediate/regularise the unauthorised development. Cases vary in complexity and severity of harm and so in some instances a notice may still be progressed despite an application being submitted.

**Question 2 – open to any Officer within the Planning Department to respond**

3. Please explain a 'stop notice' and its effects?

**Answer**

4. A briefing note was circulated at the meeting explaining Stop Notices. This is attached at Annex E to this report.

**Question 3 - open to any Officer within the Planning Department to respond**

5. Where an unauthorised development is unacceptable and relocation is not feasible Section 12 of Planning Policy Guidance (PPG18) reads: 'If no agreement can be reached the issue of an enforcement notice will usually be justified allowing a realistic compliance period for the unauthorised operation or activity to cease' – What is this 'realistic compliance period?'

**Answer**

6. Officers would be guided, to some extent, by Legal Services regarding this but common sense and reasonableness would always be applicable. In cases involving impact on a business or residential occupancy for example, experience through the appeal process suggests longer periods should be given (notices are often varied by Inspectors to increase the time for compliance).

**Question 4 – to the Planning Enforcement Officers**

7. What improvements would Planning Enforcement Officers like to be made to existing procedures, arrangements, internal management and resources?

**Answer**

8. A list answering this question is attached at Annex F to this report.

**Question 5 - open to any Officer within the Planning Department to respond**

9. Why does City of York Council appear unwilling to use more S215 notices (land in an untidy state)?

**Answer**

10. What is untidy to a community may not be serious enough to warrant a notice being served. Officers advised that in enforcement terms, the team has no authority to write a letter to ask an individual to tidy premises unless a complaint has been made. Due to the workload already being undertaken, it would be unjustified to be writing out to people when the outcome would probably not be for enforcement action.

**Question 6 – to Officers within Legal Services**

11. We haven't had any court action for a long time; is this because matters are resolved before court action is needed or are we reluctant to take this route?

**Answer**

12. Legal Services act on instructions from the Planning Enforcement Officers after they have discussed the issue with the Chair & Vice Chair of Planning Committee and the Assistant Director (Planning & Sustainable Development). Legal Services have had few instructions to take court action the last 2 years, but have acted on any instructions received.