

PLACE, SUSTAINABILITY AND CLIMATE CHANGE SCRUTINY COMMITTEE

14TH DECEMBER 2023

PLANNING ENFORCEMENT

Purpose:

To provide an overview and progress report on Carmarthenshire County Council's approach to Planning Enforcement.

THE SCRUTINY COMMITTEE IS ASKED TO:-

Review and assess the information contained in Report and provide any recommendations, comments, or advice to the Cabinet Member and / or Director on the Local Planning Authority's approach to planning enforcement.

Reason(s)

Scrutiny Committee has requested an item on the Local Planning Authority's approach to Planning Enforcement to formulate views for submission to the Cabinet / Council for consideration.

CABINET MEMBER PORTFOLIO HOLDER;

Cllr Ann Davies Cabinet Member for Rural Affairs and Planning Policy.

Directorate

Name of Head of Service:

R. Griffiths

Report Author:

Hugh Towns

Designations:

Head of Service, Place and Sustainability, Place and Infrastructure

Senior Development & Enforcement Manager, Place and Sustainability, Place and Infrastructure.

E Mail Addresses:

rdgriffiths@carmarthenshire.gov.uk

ahtowns@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

PLACE, SUSTAINABILITY AND CLIMATE CHANGE SCRUTINY COMMITTEE 14 DECEMBER 2023

PLANNING ENFORCEMENT

Scrutiny committee have identified Planning Enforcement for consideration in their forward plan for scrutiny.

The planning system operates to regulate development and the use of land in the public interest. Development plans, development management and enforcement make up the statutory planning process in Wales.

Carmarthenshire County Council recognises the importance of an effective planning enforcement service in seeking to ensure that national and local planning policies are robustly and reasonably applied, and the integrity of the system is not undermined.

The Council has a discretionary role for taking whatever enforcement action is necessary within its area as the Local Planning Authority in the public interest. The planning enforcement function of the council is carried out by the Local planning Authority's Planning Enforcement and Monitoring Officers within the Place and Sustainability Division of the Place and Infrastructure Directorate.

The Enforcement Statement approved by Council in January 2022 set out the way the local planning authority deals with planning enforcement matters and which must be led by the Council's Development Plan

The planning enforcement team will be providing the attached presentation at the scrutiny meeting which includes

- Provide an overview of the planning enforcement system, including a summary of what may constitute a breach of planning control
- Detail the enforcement processes and powers available to the Council
- Identify policies and procedures which set out how the Carmarthenshire's Planning Enforcement team will deal with enforcement complaints in a fair, reasonable and consistent manner.
- Detail the service standards that the service aims to achieve and the progress the authority is making in achieving those service standards.

While Officers cannot discuss individual cases that may become the subject of legal action by the Council officers are present to answer questions in relation to the planning enforcement process.

DETAILED REPORT ATTACHED ?

YES presentation attached

IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Rhodri Griffiths

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

Policy, Crime & Disorder and Equalities

Welsh Government Policy on planning enforcement is set out in section 3.6 of Planning Policy Wales (PPW). National policy guidance was formerly set out in Technical Advice Note (TAN) 9: Enforcement of Planning Control (1997), but is now included in the Development Management Manual, incorporating where appropriate the guidance on changes introduced by the Planning (Wales) Act 2015. This provides guidance on when enforcement action is appropriate. A link to the development manual is contained at <https://gov.wales/development-management-manual>.

Legal

Planning legislation empowers the council to control and manage development and use of land and buildings in the public interest. These powers are set out, principally, in the Town and Country Planning Act 1990 (as amended) (“the Act”) and The Planning (Listed Building and Conservation Areas) Act 1990. The legislation defines what can be considered as ‘development’ and sets out the processes for enforcing against unauthorised development.

Finance

Cost associated with the development of the paper are met within existing divisional resources. Cost associated with the investigation of breaches of planning control are met within existing division resource. The cost of pursuing “further enforcement “action is considered on a case-by-case basis within the “expediency case” for an individual enforcement case. Where costs are incurred in pursuit of further enforcement action the authority’s position is to pursue the full recovery of costs.

ICT

There are no additional ICT implications as a result of this paper.

Risk Management Issues.

There are no implications for physical assets as a result of this paper.

Physical Assets

There are no implications for physical assets as a result of this paper.

Staffing Implications

The planning enforcement function of the council is carried out by the Local planning Authority's Planning Enforcement and Monitoring Officers within the Place and Sustainability Division of the Place and Infrastructure Directorate. Staffing requirements to meet the council's discretionary role are kept under review.

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Development Management Manual		https://gov.wales/development-management-manual .
Carmarthenshire County Council – Enforcement Statement		planning-enforcement-statement-approved-jan-2022.docx (live.com)
Carmarthenshire Count Council Planning Portal – Planning enforcement		Breach of planning (gov.wales)