

Thanet District Council



Update on Planning Enforcement

Overview & Scrutiny Panel

26th September 2023

Planning Enforcement

- The Planning Enforcement team consists of a Planning Enforcement Officer and Planning Enforcement Assistant, both directly reporting to the Planning Applications Manager.

- The Council operates a complaints based system, prioritising breaches that cause;
 - significant irreparable damage to Listed Buildings,
 - harm to specially protected areas including conservation areas,
 - other visually prominent development and protected trees,
 - breaches to Section 106 agreement, and
 - significant and unacceptable harm to living conditions.

- The Council investigates allegations of planning breaches by:
 - establishing if a breach has occurred
 - Seeking to resolve the matter without formal action where possible (securing an application for the work or alteration to comply with planning law and policy)
 - deciding whether or not to take action following conclusion of investigation (must be in the public interest on sound planning grounds) if it is expedient to do so.

Complaints Received

Year	Complaints	Enforcement Notices Served
2020	330	12
2021	399	13
2022	361	16

Recent Prosecutions

Address	Offence	Hearing Date	Outcome	Fine
140 Grange Road Ramsgate	Non-compliance with S215 notice	28.07.2023	Found guilty	Nominal amount due to financial circumstances
192 Margate Road Ramsgate	Non-compliance with enforcement notice	26.07.2023	Found guilty	£8,056.00 + victim surcharge
Manston Court Bungalows	Non-compliance with Breach of condition notice x 2	20.06.2023	Found guilty	£6,250.00
Sea Bathing	Non-compliance with breach of condition and S215 notices	31.01.2023	Found guilty	£700 fine, costs of £1,460 and a further £80 victim surcharge.
123 Canterbury Road	Non-compliance with S215 notice	06.06.2022	Found guilty	£40,000 for his summary conviction (reduced on appeal to £10,000), £2,500 for his guilty plea to failure to surrender to summary trial
Westgate Bay Cafe	Non-compliance with breach of condition notice	07.02.2022	Found guilty	£1,250

Previous Review 2021/22

- Members resolved that the following issues should be considered in the Enforcement review:
 - Determine the potential utility of a planning enforcement portal on the council's website to provide updates to members of the public and elected members on current cases, as well as increasing the availability of information about the Enforcement process for the public;
 - Identify how the council could come up with a more effective system of prioritising planning enforcement cases;
 - Determine how best to improve communication between the council and complainants regarding planning enforcement cases being handled by the council;
 - Determine how best the council could include proactive work in the planning enforcement protocol.

Previous Review 2021/22

- The review was paused in June 2022 (as reported to OSP) due to the publishing of the Levelling Up and Regeneration bill, which will have significant implications on planning enforcement, including:
 - removing the “four-year rule” after which time operational development (and change of use to dwellinghouses) in breach of planning control is immune from enforcement action, meaning that all enforcement breaches will be subject to the “ten-year rule”.
 - creation of “Enforcement Warning Notices” to be served on breaches of planning control requiring an application be submitted when there is a “reasonable prospect” of planning permission being granted.
 - requirement on applicants to submit “Commencement notices” in relation to approved development upon the start of on-site work, with a register kept by the Local Authority, whilst a “Completion notice” would be able to be served on developments not meeting the identified targets in the commencement notice.

Improvements made

- The Council introduced a Section 106 Monitoring Fee in April 2023, specifically to fund the recruitment of a new S106 Monitoring and Infrastructure Delivery Officer. The officer started in July 2023 and has created additional enforcement capacity in requesting/securing planning obligations.
- The Council has procured a new planning database system, Idox Cloud, which includes increase functionality for Planning Enforcement, with the ability to published case information via the Council's website (expected go live by the end of next year).
- A new monthly development compliance meeting led by a Principal Planning officer is coordinating action on new housing development between planning assistants for conditions, trees, S106 officer and both enforcement officer to ensure any breaches of conditions/legal agreements are identified at the earliest stage.
- Provision being made in budget for next year to utilise additional planning fee income to create an additional planning enforcement role.