

Service Aims

Standards

To operate the planning enforcement service in accordance with the published service standards, which set out the level of service and performance the public and businesses can expect. We will regularly review these standards taking account of the views of stakeholders.

Openness

To provide information and advice in plain language on the policies and procedures of the service, and to communicate this mainly by electronic means whilst giving access for all. Confidentiality will be maintained for complainants.

Partnership

To work with the community on compliance with planning controls on the basis that prevention is better than cure, and to ensure that our efforts are coordinated with other enforcement agencies within and outside the council.

Helpfulness

To provide a courteous and efficient service with appropriate publicised contact points.

Feedback about the service

To operate the council's compliments, suggestions and complaints procedure in an accessible, effective and timely manner.

Proportionality

To exercise the planning enforcement powers of the council on an individual basis, considering fitness for purpose and having clear regard to an assessment in each case of the expediency and public interest, before taking action. The council has a wide range of planning enforcement powers, but must act in accordance with national policy and guidance. If the council considers that a breach of planning control has occurred, officers must then decide whether or not this is sufficiently harmful as to require action to be taken in the public interest, having regard to the facts of the case.

At one end of the scale, if no or little harm is identified, the matter could be treated as a 'technical breach' or de minimis with no further action to be taken, or a planning application might be invited to 'regularise' the situation. At the other end of the scale, where it is assessed that serious harm has occurred, a formal notice might be served and other formal steps considered.

Consistency

To use the council's planning enforcement powers in a fair and consistent manner.

Effectiveness

To protect and enhance the environment of the District of East Lindsey by active and responsible use of the full range of enforcement powers

Service Standards and Targets

These are the standards the service seeks to achieve in the handling of all enforcement cases.

- All registered enquiries for enforcement investigation will be registered and acknowledged in writing within three working days of receipt and the enquirers details held confidentially.
- If a complaint is made by a ward Councillor the Parish Clerk for that area will also be notified, and vice versa.
- Anonymous enquiries will not be investigated.
- An initial site inspection will be carried out within 18 working days of the enforcement enquiry. The case will be assessed against the appropriate legislation, policy and regulations to determine if a breach of planning control has occurred.
- A response will be made to the enquirer, developer and/or owner of the site, under investigation, within 25 working days of receipt of the enforcement enquiry setting out the council's decision and any proposed further action. Examples of further actions: closure of the investigation; request for further necessary information; invitation of a planning application; a proposed solution; or progression of enforcement action.

Where it is considered that a breach may be made acceptable by the granting of conditional planning permission, an application will be invited by letter, allowing 28 days for submission in normal circumstances. This time-frame may be extended if considered necessary by the Enforcement Officer, and any extension of time will be assessed on its merits, on an individual case-by-case basis. The enquirer will be informed if an application is submitted. Any submitted application will be subject to normal consultation procedures.

- Prior to the serving of a formal notice the council will normally allow the owner(s) of the site under investigation an opportunity to discuss by telephone, letter, site or office meeting, which can be mutually agreed. This will include any steps which can be taken to avoid action by the council and the right of appeal of the owner(s).
- Where enforcement action is deemed necessary the enquirer and the owner(s) of the site under investigation, will be informed of that decision in writing.
- Access to progress updates will be given to the enquirer and any other party with a legitimate interest in the issue (such as ward councillors and parish councils), at approximately six weekly intervals unless the case officer specifies a relevant alternative interval in writing. Alternative intervals will usually be provided on cases with enforcement notices, applications for planning permission, and/or legal proceedings, as these processes include specific timescales for action.

- Appeals will be processed in accordance with the Government's timescales.

Decision making on cases

Being in breach of planning control is not, in itself, a criminal offence, (except unauthorised works to a Listed Building, or the display of an advertisement). For each allegation, the council will investigate the circumstances of the case and determine what, if required, would make the development acceptable on according to the planning regulations. The general test applied is 'would planning permission have been granted for the development if it had gone through a planning application?'. Non-planning considerations will not be part of this process.

The council will initially attempt to resolve all breaches of planning control through negotiation, with the exception of breaches of planning control which could not be rectified to meet the planning criteria and should be removed/amended as a priority. Negotiation will not be allowed to unjustifiably delay any necessary planning enforcement action.

Formal planning enforcement action is discretionary and will be taken where the council consider it to be:

- essential having considered the provisions of the development plan and to any other material considerations; and
- necessary in the public interest (unacceptably affecting public space or the existing use of land and buildings requiring protection in the public interest).

Enforcement action will always be proportionate with the breach of planning control taken place. Enforcement action will not be taken against a minor or technical breach which causes no harm to the local area. Enforcement action will not be taken purely to regularise breaches of planning control. In cases where an application would have a chance of success, an application will be invited for consideration through the usual process.

In cases where an application has been invited and no harm is being caused to the local area; no further formal action can be taken regardless of whether or not an application is submitted. In circumstances where the best reasonable course of action to deal with the harm being caused lies outside of planning controls; the planning enforcement team will refer the matter to the relevant department/team for action. This could be in partnership with the planning enforcement team, where appropriate. The enquirer will be made aware of any referrals/partnership working. The decision to take enforcement action will normally be made by the Enforcement Team Leader or the Principal Planning Enforcement Officer as agreed through the delegation arrangements.