



PLANNING ENFORCEMENT PLAN

**Planning Services
Environment & Sustainable Communities Directorate
2014**

Contents

- 1 The aim of the Planning Enforcement Plan
- 2 Council Policy
- 3 Planning controls
- 4 Council Enforcement Duty
- 5 How planning controls will be enforced
- 6 Prioritization & management
- 7 Equality and Diversity

- Appendix 1 Enforcement Powers
- Appendix 2 Categories of unauthorised development
- Appendix 3 Outline expediency report templates
- Appendix 4 The Council's vision and objectives

1. The aim of the Planning Enforcement Plan

- 1.1 This Plan has been prepared by the Council as the Local Planning Authority for Bedford Borough in line with the advice in paragraph 207 of the National Planning Policy Framework which says

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 1.2 The Council’s Planning Service administers applications for development requiring planning permission and consents under the Planning Acts¹, and has associated powers of enforcement against unauthorised development.
- 1.3 The Plan sets out what the Council’s standards are and how we will ensure consistency and allows those breaching planning control or alleging a breach to understand the likely implications and Council response.
- 1.4 If you become involved in an enforcement issue you are advised to seek independent advice from a planning professional or solicitor as soon as possible as there can be serious legal consequences.
- 1.5 The Council also has duties as the minerals and waste planning authority and has separate enforcement powers for these cases (contact the Minerals and Waste Team on 0300 300 8307)
- 1.6 This Plan does not relate to enforcement powers available under other legislation such as Highways², Building Control³ or Environmental Health⁴.
- 1.7 This Plan will be effective from 1 April 2014 and supersedes any previous Council Enforcement Policy Statement for Planning.

¹ Town and Country Planning Act 1990 (as amended) and the Localism Act 2011.

² Highway matters (e.g. condition of roads, verges and footpaths; road closures and road works, street lighting; road signs; grass cutting and overgrown hedges; dropped curbs & other alterations to the highway; advertisements on the highway; etc).- (Contact Highways Helpdesk on 01234 718003 or highways.helpdesk@bedford.gov.uk)

³ Building Control matters (e.g. construction concerns on new buildings, extensions or internal works to buildings; fire safety; structural safety; etc) – (Contact Building Control Services on 01234 718081.)

⁴ Environmental Health matters (e.g. noise nuisance, odour nuisance, light nuisance, smoke and bonfires and Fly-tipping;etc) – (Contact Environmental Health and Trading Standards Services on 01234 718099)

2. Council Policy

- 2.1 The Planning Service has an active role in achieving the published policies and priorities of the Council. It does so through local plan-making, facilitating development, negotiating development schemes and infrastructure provision and restricting inappropriate development. Planning enforcement has a particular role in ensuring these decisions are upheld, and unauthorised development is controlled appropriately. The aims and objectives of the Council's Corporate Plan and Sustainable Community Strategy are set out in Appendix 1 and will always be taken into account as appropriate.

3. The Scope of Planning Controls

- 3.1 The planning system generally requires people to obtain permission before carrying out development and to then meet the terms of the permission when they do the work. The most widely known controls available to the Council are:
- 3.2 *Planning Permission:*
Building, engineering or other operations in, on, over or under buildings or other land and material changes of use of land require planning permission.
- 3.3 *Deemed Consent:*
Some developments are automatically given Deemed Consent by the General Permitted Development Order⁵, and this is often known as 'Permitted Development'.
- 3.4 *Listed Building Consent:*
Demolition or works (internal or external) which affect the character of a listed building require Listed Building Consent.
- 3.5 *Advertisement Consent:*
Advertisements must not be displayed without Advertisement Consent.
Some advertisements are automatically given Deemed Consent by the Control of Advertisements Regulations⁶.
- 3.6 *Tree Preservation Orders:*
Consent is required for works to a tree or trees subject to a Tree Preservation Order.
- 3.7 *Planning Conditions:*
Where planning permission is granted it is often subject to conditions limiting or controlling the development.

⁵ The Town & Country Planning (General Permitted Development) Order 1995 [SI 1995 No.418], as amended

⁶ The Town & Country Planning (Control of Advertisements) Regulations 2007 [SI 2007 No.783], as amended

3.8 *Planning Obligations*⁷:

Where planning permission is granted the applicant may have entered into a planning obligation limiting or controlling the development or to make contributions to mitigate the impacts of the development.

3.9 Normally development is carried out in line with the permission that was granted. This enforcement policy will not apply to these “authorised developments”

4. The Council’s Enforcement Duty

4.1 The general position is the Council has a duty to investigate complaints about development (building and engineering works and change of use) that might have been carried out without planning permission.

4.2 The enforcement duty is only relevant to unauthorised development and is a duty to consider if formal action is needed to put right any harm to the environment or amenity that the planning acts are there to protect. In this context unauthorised development means either development without any permission or development that does not fully comply in some way with the permission that was granted.

4.3 Planning enforcement measures are designed to achieve compliance rather than to penalise the person responsible for the breach of planning control.

4.4 The Council, as Local Planning Authority, may take planning enforcement action where:
(a) There is a breach of planning control; AND
(b) It is expedient to do so, considering the development plan and other material considerations.

4.5 When a breach is identified the Council must first consider whether or not permission would have been granted (with or without conditions). Formal action will only be justified in cases where permission would have been refused, or conditions would need to be imposed.

4.6 Each specific case will be considered on its own merits. In some cases it may be appropriate to enforce against parts of a development, or to require certain steps to be taken to allow a use or development to remain. In other cases the only satisfactory solution is for the unauthorised activity to stop or the works to be removed.

4.7 In considering specific cases the Council will seek to act⁸ with:
(a) Openness about the level of service that will be provided and the potential outcomes;
(b) Helpfulness to all users of the service;
(c) Proportionality of response; and
(d) Consistency of service.

⁷ Section 106 of the Town & Country Planning Act 1990 as amended.

⁸ Enforcement Concordat agreed between the Cabinet Office and the Local Government Association in March 1998.

- 4.8 At the appropriate stage in the investigation the Council will make a decision and the complainant and owner of the land will be advised that either:
- no further action will be taken or
 - A retrospective application will be invited or
 - Formal action will be taken to remedy the situation.

4.8 Wherever possible communication with customers will be via email to ensure the most rapid and direct communication at least cost.

5. How planning controls will be enforced

Requesting a planning enforcement investigation:

5.1 Any person may report what they think may be a breach of planning control and request a planning enforcement investigation to establish whether or not planning consent is required. Where possible this should be reported via the Council's website at the following link http://www.bedford.gov.uk/environment_and_planning/planning_town_and_country/enforcement.aspx or via the Council's Customer Service Centre (2 Horne Lane, Bedford) either in person or via the telephone on (01234) 267422.

5.2 The planning enforcement process should not be a means of pursuing neighbour, family or commercial disputes, and anonymous reports will not generally be investigated. Personal details of those reporting alleged breaches will be confidential and will not be made public⁹.

The Council's investigation:

5.3 On receiving a report alleging a breach of planning control an acknowledgement will be sent in writing (using email wherever possible) within 3 working days to the person reporting the matter. Because the Council has no control over the number or complexity of allegations it receives our staff team must focus on those cases that are most urgent and serious. At present there is no routine monitoring of development sites and the service provided is entirely re-active. This reflects the nature of the legislation which places the onus to conform on the developer. We often find the complaint is not about a matter controlled by the planning acts. In these cases the complainant will be advised. If the matter is controllable by the Council under other powers the matter will be passed to another relevant officer and the complainant advised accordingly.

5.4 The team will commence its investigation and where appropriate aims to visit the site within 14 calendar days,

- (i) We will carry out a prioritisation assessment as soon as possible afterwards. Priority will be given to each case in accordance with the listed priorities set out in Section 6 below.

⁹ There is a general right for any person or group to ask any public authority for access to information held by that authority under the Freedom of Information Act 2000. However, information relating to planning enforcement matters fall under the umbrella of 'environmental information' which routes requests through a special statutory regime known as The Environment Information Regulations 2004. Personal information (i.e. details about a complainant) is considered by the Council to be protected by way of exemption under the Freedom of Information Act 2000 and is also covered by the Data Protection Act 1998. The Council will not disclose such information in planning enforcement matters without the consent of the complainant in order to protect this or her anonymity

- (ii) The allegation will be investigated to establish whether a breach of planning control has occurred. Persons alleging a material change of use may be asked to document the pattern of the use over a period of time;
- (iii) Where no breach has been discovered the complainant will be advised and the case closed.
- (iv) Where a breach has been identified an assessment will be carried out to prioritise the breach in line with para.6.2 of this plan.
- (v) Where necessary technical advice will be sought from other agencies or Council Units to inform the planning decision whether or not it is expedient to take formal enforcement action;
- (vi) Where it is decided that formal action is needed to remedy the breach the owner/occupier/operator of the land may be asked to:
 - Remove and/or cease the unauthorised development; or
 - Apply for permission to retain/continue the development (either as exists or in a modified form).
- (vii) In a case where the Council has already considered a relevant planning application or the breach is causing immediate harm step (vi) will be omitted in favour of immediate action.
- (viii) Where relevant other agencies and departments will be approached to identify the best legislative framework in which to pursue a satisfactory outcome.

5.5 Council staff will be respectful and courteous in their dealings with all persons; both those being investigated and those requesting an investigation. Unacceptable or inappropriate behaviour towards Council staff will not be tolerated.

5.6 The Council will not normally undertake covert surveillance for planning enforcement purposes as it will rarely be expedient to take action against an activity that can only be witnessed covertly. Where covert observation of a site or activity is proposed, surveillance will only be undertaken with prior authorisation and in accordance with the provisions of The Regulation of Investigatory Powers Act 2000.

5.7 Authorised officers have statutory powers to enter land and buildings to investigate breaches of planning control; an authorised officer may take other persons with them as necessary to properly investigate the alleged breach. In some, but not all, circumstances advance notice of entry must be given. Where these formal powers are invoked officers will produce evidence of their authority and the purpose of their visit when requested.

Taking formal action:

5.8 In most cases the Council will aim, in the first instance, to resolve breaches by informal means. Through letters, visits by enforcement officers, and the threat of formal action, many breaches are remedied without formal action being taken. This gives parties who are willing to co-operate with the Council greater control over the solutions needed to resolve breaches. In recent years the enforcement service has become increasingly effective in achieving compliance and the submission of planning applications for existing development without the need to resort to formal action. It does however mean that complainants can sense frustration at the apparent delay in “getting something done” where positive ‘behind the scenes’

negotiations take place over several weeks or, in complex cases, months. If there is immediate and substantial harm this approach will not of course be appropriate.

Planning Contravention Notices

- 5.9 A lack of co-operation with the Council may force the Council to consider using its enforcement powers and, as a first step, the Council may look to serve a Planning Contravention Notice on the party concerned requiring both personal details and details of the development that has been undertaken. Failure to respond as required or at all may result in prosecution.
- 5.10 Formal enforcement powers must only be used where it is expedient having regard to the development plan and to any other material planning considerations. This requires there to be sufficient harm to justify taking formal action, and for the Council's response to be proportionate to the breach. Formal enforcement will normally be a last resort when all other means to resolve the breach have failed. It may therefore take a considerable amount of time to resolve some breaches. In assessing expediency, the Council will take into account only the planning considerations which are material to the matter.

Enforcement Notices

- 5.11 Where it is necessary and expedient the Council may issue one or more of the notices or take a course of action set out in Annex 1. These may require certain steps to be carried out to either stop the development or to allow the development to continue but mitigate harm caused by it.

Appeals

- 5.12 Persons receiving an Enforcement Notice have a right of appeal to the Secretary of State. Persons receiving a Notice under Section 215 of the Town & Country Planning Act 1990 have a right of appeal to the magistrate's court. There is no right of appeal against a Breach of Condition Notice, where a condition attached to a planning permission has not been complied with.
- 5.13 There is no right for a complainant to appeal against the Council's decision **not** to take formal action.

Prosecution

- 5.14 Unauthorised works to Listed Buildings, the unauthorised display of advertisements, and unauthorised works to protected trees¹⁰, are criminal offences, and may be prosecuted in the courts. Failure to comply with the requirements of a Notice is a criminal offence and the Council may prosecute the person committing the offence.

Direct Action

¹⁰ Those subject to a Tree Preservation Order.

- 5.15 In exceptional cases, and where it is expedient to do so, the Council may also take direct action to achieve compliance with the notice and will seek to recover the costs from the land owner (or for advertisements the landowner or person displaying the advert). This will normally only be undertaken as a last resort and subject to being able to fund the action at the time.
- 5.16 If a criminal conviction is obtained for a breach of an enforcement notice or display of an advertisement, any revenue accrued may result in the Council pursuing the revenue under the Proceeds of Crime Act 2002.

Other powers

5.16 The Council has other enforcement powers under the Town and Country Planning Act 1990. Broadly, these are:

- an injunction;
- a temporary stop notice
- a stop notice

These are designed to be used in situations where the Council needs to act swiftly to prevent development from continuing any longer. The Council will not seek to act in this way without sufficient cause.

Document retention:

5.17 The Council may determine not to hold records of investigations more than 10 years old. Persons claiming lawful development on the basis that the development is immune from enforcement are advised to ensure that a Certificate of Lawfulness of existing use or development is obtained, where necessary, to avoid an investigation being re-opened at a later stage.

6. Prioritization & management

6.1 The Council has categorised unauthorised development into five groups

5 categories of unauthorised development:

6.2 Whether or not identified breaches of planning control will be pursued will depend on where they rank in accordance with the following prioritised list of activities:

Category (1) Development **harmful** to human health;

Category (2) Development causing **irreparable harm** to areas/objects of acknowledged importance;

Category (3) Development causing **severe** harm;

Category (4) Development causing **harm**;

Category (5) Development breaches causing **limited or minimal harm**.

6.3 The table in Appendix 2 shows how the categories work. The first column divides different types of breach into 5 categories. The second column gives examples of breaches likely to fall into that category.

6.4 The more serious breaches will be given priority, which may mean some lower priority breaches will not be pursued.

Allocation of resources:

6.5 In order to ensure that a reasonable proportion of staff time is spent on complaints from each category it is necessary to have an efficient system in place to respond to reported breaches. This is particularly important in relation to the lowest category – where it will not be expedient to take formal action against a number of breaches and category 4 where the relative benefits from taking action may not warrant action.

6.6 Most reported breaches occur in the lowest categories of unauthorised development (categories 4 & 5), and investigations in the lowest categories will need to be brief and efficient; in some cases investigations into lower category breaches will be very limited. This approach provides resources to all categories while ensuring that those in the higher categories are given priority.

6.7 The Service has historically attempted to respond to all breaches and, as a result, has sometimes failed to respond quickly and effectively to more major breaches. With the level of resources available it is of paramount importance that early and clear decisions are made to close investigations into minor breaches at an early stage.

6.8 In more serious cases Council Officers will set a timescale for the steps required, at which point formal procedures will commence to resolve the matter.

Reporting of case load and priorities/outcomes

6.9 The Assistant Director (Planning) will present a report to the Planning Committee on a regular basis describing the position in relation to ongoing investigations and the number of complaints received/closed in the preceding period.

7. Equality and Diversity

7.1 Planning Services' activities, including Planning Enforcement, are relevant to all the requirements of the Council's statutory Equality Duties under the Equality Act 2010, including to:

- Eliminate discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a characteristic and those who do not.

- 7.2 The Enforcement Service has been the subject of an Equality Analysis which identified the following actions which currently support the Council's Equality duties:
- The Council's website contains a page explaining the Planning Enforcement service. It aims to conform to level AA of the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines 1.0. These guidelines make web content more accessible for people with disabilities
 - Assistance to anyone who has difficulty with understanding English, including the use of plain English in documents where possible..
 - The Council's offices and Customer Service Centre are wheelchair accessible, enabling disabled persons to take part in making requests for investigations and making Planning Enforcement enquires.
 - Induction loop systems are available upon request to enable those who are hard of hearing to take part in meetings and communicate with Enforcement Services staff.
 - Large print versions of publications (including this Plan) are available upon request.

Enforcement Powers

- A1.1 The main planning enforcement powers available to the Council are:
- A1.2 A **Planning Contravention Notice** (PCN) can be served under section 171C of the Planning Act where the Council suspects that a breach of planning control has occurred and there is a need to obtain information about activities on land. (Service of a PCN does not in itself constitute taking enforcement action for the purposes of the Planning Act). The PCN procedure allows the local planning authority to obtain a full picture of the planning history and to engage in dialogue with persons thought to be in breach. This enables the Council to come to a view as to whether a breach of planning control has in fact occurred and, if so, whether enforcement action is appropriate. It is an offence to fail to comply with the provisions of a planning contravention notice.
- A1.3 An **Enforcement Notice** can be served under section 172 of the Planning Act where it appears that there has been a breach of planning control and it is expedient to do so having regard to the provisions of the development plan and any other material considerations. Action may be taken in respect of any unauthorised development where there is no relevant planning permission in place or in respect of non-compliance with a condition on a planning consent. A notice may require activities to cease and, if appropriate, the land to be restored to its condition before the breach took place. If no appeal is made then the notice takes effect and the time for compliance with each step of the notice must be met. Criminal liability attaches to a failure of a landowner, or any person who has control of the land or an interest in it, to comply with the requirements of an enforcement notice. A **Listed Building Enforcement Notice** can be served under the Planning (Listed Buildings & Conservation Areas) Act 1990 in relation to unauthorised works to Listed Buildings.
- A1.4 A recipient of an enforcement notice has 28 days to appeal against it, in which case the requirements of the notice are suspended until an appeal has been determined or is withdrawn. The Planning Inspectorate, on behalf of the Secretary of State of Communities and Local Government, handles appeals which are determined either by way of a public inquiry, hearing, or written representations.
- A1.5 A **Breach of Condition Notice** (BCN) may be served under section 187A of the Planning Act to force an operator or landowner to comply with any condition attached to a planning permission. There is no right of appeal against a BCN. If the responsible person fails to take the necessary steps to bring about compliance then that person is liable to prosecution.
- A1.6 A **Temporary Stop Notice** can be used in conjunction with an enforcement notice under sections 171E to 171H to the Planning Act if and allows the Council to immediately stop the alleged breach of planning control for a limited period while it is decided whether further enforcement action is appropriate and what form it should take. It can provide a 28-day and a swifter and cheaper enforcement tool than applying for a planning injunction. Compensation may be payable by the local planning authority if the notice is withdrawn, or if the activity prohibited by it is actually lawful. When a person contravenes a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on them, they shall be guilty of an offence.
- A1.7 In certain circumstances a **Stop Notice** can be used in conjunction with an enforcement notice if it is considered expedient that an activity should cease before the expiry of the period for compliance with the enforcement notice. Because an appeal against an enforcement notice effectively

suspends its requirements until the appeal is finally determined, or the notice is withdrawn, the stop notice provisions enable the Council to deal effectively with the interim situation. The notice can be framed so as to take effect in as little as 3 days after the date of service, and not more than 28 days following service. The notice may be served on any person the Authority thinks is carrying out the activity, or who has an interest in it. A stop notice can be directed at any activity specified in the enforcement notice, or any part of an activity, to ensure that it only requires what is essential to safeguard amenity of public safety in the neighbourhood; or to prevent serious irreversible harm to the environment. There is no right of appeal. The stop notice ceases to have effect when the enforcement notice is quashed or withdrawn, or when the period allowed for compliance with the enforcement notice expires. Its use is in certain circumstances subject to liability to pay compensation. A Stop Notice will normally only be used where harm is substantial and/or the scale or extent of works are increasing.

- A1.8 A **Section 215 Notice** can be served in certain circumstances if it appears to the Council that the appearance of land is adversely affected by the condition of that land. A Notice may require steps to be taken to remedy the problem. Non-compliance makes the recipient liable to prosecution in a Magistrates' Court. In exceptional cases the Council may also enter the land and carry out works required by a s215 Notice, and seek to recover its expenses in doing so from the landowner (see Direct Action below).
- A1.9 **Prosecution** is the means to resolve the unauthorised display of an advertisement. The unauthorised display of an advertisement is an offence, and may be prosecuted in the Magistrates Court.
- A1.10 An advertisement **Discontinuance Notice** may be served where Deemed Consent is granted for an advert and the Local Planning Authority consider it necessary to discontinue the display of a particular advertisement or the use of a particular site for the display of advertisements in the interests of amenity or public safety.
- A1.11 An application can be made to the High Court or County Court for an **Injunction** to restrain an actual or apprehended breach of planning control. An application can be made whether or not the local planning authority has exercised or propose to exercise any of the other enforcement powers. An injunction may be sought in the absence of the person against whom it is sought; or proceedings may take place in which the parties are represented. Injunctions will normally only be used where the harm or risk of harm occurring is very substantial or other means of controlling development are inadequate. It is often necessary to seek external legal advice before deciding to initiate injunctive proceedings.
- A1.12 If an Enforcement Notice has not been complied with the Council has the option of taking **Direct Action** to remedy a breach of planning control. In such cases the Council may carry out the works required in the Notice itself and seek to recover those costs from the present or future land owners. This is an expensive and complex process and is unlikely to be used unless other means to resolve matters have failed.
- A1.13 The Localism Act introduced (on 6th April 2012) a new procedure for local planning authorities to pursue a **Planning Enforcement Order** through the Magistrate's Courts where a breach of planning control has been deliberately concealed in an attempt to circumvent the "4 year rule" or the "10 year rule" which normally provide immunity from enforcement action. Its use will depend on whether or not there are other remedies available but also on whether or not any "concealment" was deliberate.

Categories of unauthorised development

The particular circumstances of each case will be considered in establishing the category of breach.

Category of Breach		Examples of breach type
1	Development causing harm to human health	Contamination; Immediate Highway Danger; Severe Flood Risk; Breaches of Hazardous Substances Consent; Severely Polluting Uses; Development next to Severely Polluting Uses.
2	Development causing irreparable harm to assets of acknowledged importance	Works to Protected Trees; Listed Buildings; Demolition of Buildings in the Conservation Area; Irreparable Harm in the Conservation Area; Archaeology; Site(s) of Special Scientific Interest, Ramsar Sites (Wetlands), Special Areas of Conservation; County Wildlife Sites; Local Nature Reserves; Important Open Spaces; Habitats of Protected Species.
3	Development causing severe or widespread harm.	Development causing Severe Disruption, highway danger or harm to historic character of an area; Development at odds with one or more fundamental planning policies; Major Development in the Open Country Side. Breach of Agricultural etc Occupancy Conditions; Large scale Advertisements; Advertisement Hoardings; Failure to provide transport or community facilities – large scale
4	Development causing harm including severe but localised harm	Other Changes of Use: Untidy Land – visually prominent plots; Development affecting Local Amenity; Householder development; Failure to provide transport or community facilities – small scale
5	Minor Development Breaches causing limited or minimal harm	Untidy Land; Satellite Dishes; Walls and Fences; Windows; Advertisements; Development slightly in excess of Permitted Development Rights; development not in full compliance with a condition.

Expediency Report Template 1



PLANNING ENFORCEMENT

FILE REF
Address
DATE

EXPEDIENCY REPORT

Depending on the case, some or all of the following will be considered:

Breach of planning control

Alleged Breach: what is occurring/has occurred?

Is it 'development'¹¹ or 'works'¹²?

Is it 'permitted development'?

Is it a breach of a condition or limitation?

Is what is occurring controlled by other planning related controls¹³?

If a change of use, is it a material change?

Power to enforce

When was the development substantially complete?

¹¹ As defined in the Town & Country Planning Act 1990.

¹² As defined in the Listed Building & Conservation Areas Act 1990

¹³ E.g. The Hedgerow Regulations; s215 of the T&CPIg Act, High Hedges legislation.

When did the use commence?

Has any permission/ Consent been granted?

Have conditions been imposed on any grant of permission/ Consent?

Was the development carried out using deception?

The Development Plan & the site

Is the land/building subject to any statutory or policy designation?

Has technical advice been sought from appropriate persons or bodies?

What are the impacts of the development?

Would the development accord with development plan policies?

Other material considerations

Is the development 'de-minimis'?

Are there any other impacts?

Are there any personal/ Human Rights considerations?

Are there any other relevant considerations?

Would planning permission/Listed Building Consent be likely to be granted?

Enforcement:

What category is the breach?

Is enforcement action likely to provide an appropriate outcome?

Is it likely to be in the public interest to take enforcement action?

Has opportunity been given to rectify the breach?

If formal enforcement action is recommended:

Can the breach be demonstrated to a civil or criminal standard of proof (whichever applicable)?

Should a Planning Contravention Notice be served¹⁴?

Is the development reversible?

Are works continuing?

Should a Stop Notice or Temporary Stop Notice be issued?

Which enforcement tool should be used?

Would the costs to the public purse be proportionate to the resulting harm?

Would recommended action be proportionate to the breach?

Recommendation

¹⁴ Cannot be served for a breach of the Listed Buildings & Conservation Areas Act.

Expediency Report Template 2 - Advertisements



PLANNING ENFORCEMENT

FILE REF
Address
DATE

EXPEDIENCY REPORT

Depending on the case, some or all of the following will be considered:

Breach of advertisement control

Alleged Breach: what is occurring/has occurred?

Is there a display of an advertisement(s)?

Is the advert exempt from the provisions of the Control of Advertisement Regulations?

Does the Advert benefit from 'Deemed Consent'?

If so, does it comply with the 5 Standard Conditions?

Power to enforce

Has the site been used previously for the display of advertisements?

If so, does the current advert cover a larger area or protrude further than the previous advert(s)?

When did the use commence?

Has advertisement consent been granted?

Have conditions been imposed on the grant of advertisement consent?

Highway Safety

Does the advert have a harmful impact on Highway Safety?

Has technical advice been sought from appropriate persons or bodies?

Amenity

Is the land/building subject to any statutory or policy designation?

Has technical advice been sought from appropriate persons or bodies?

Are there harmful visual impacts of the advert?

If so, are these such to warrant formal action?

The Development Plan

Are there any relevant development plan policies or is there Supplementary Design or Policy Guidance?

Enforcement:

What category is the breach?

Is it likely to be in the public interest to take enforcement action?

Has opportunity been given to rectify the breach?

If formal enforcement action is recommended:

Can the breach be demonstrated to a criminal standard of proof?

Should a Discontinuance Notice be served revoking a previous consent?

Should prosecution be commenced?

Should direct action be taken?

Would recommended action be proportionate to the breach?

Should Proceeds of Crime legislation be considered?

Would the costs to the public purse be proportionate to the resulting harm?

Recommendation

Bedford Borough Council's vision:

“Bedford Borough Council is committed to working with its communities and partners to improve local quality of life. Working together with our partners as part of the Bedford Borough Partnership we are determined to make the Borough a better place to live work and visit.”

The Corporate Plan 2012-2016

The Corporate Plan gives the Council 4 distinct themes to focus on in delivering the Council's vision:

- (1) Providing a Healthy Future;
 - Modernising Adult & Community Services
 - Transforming Leisure Services
 - Integrated Approach to Housing
 - Creating Accessible and Valued Cultural Facilities

- (2) Protecting and Preserving the Local Environment;
 - Managing the Borough's Environmental Assets
 - Climate Change and Environmental Sustainability
 - Preserving and Enhancing the Local Environment

- (3) Brighter Futures for Children;
 - Managing Resources Efficiently and Effectively
 - Safeguarding Our Most Vulnerable Children
 - Narrowing the Gap

- (4) Serving Residents Effectively;
 - Putting the Customer First
 - Excellence in People Management
 - Achieving the Best Buy for Bedford
 - Creating Employment Opportunities for Residents

The Sustainable Community Strategy 2009 – 2021

The Bedford Borough Partnership Board developed a series of goals for the future of the Borough. The goals have been organised around seven themes, which together reflect our vision – a Borough which is:

- (1) Thriving;
- (2) Greener;
- (3) Aspiring;
- (4) Healthy;
- (5) Safer;
- (6) Inclusive;
- (7) Sustainable;

Planning Enforcement has a key role in protecting the Borough and raising standards. An efficient and effective service can help deliver these aims.