

## **East Cambridgeshire District Council Local Enforcement Plan**

This Plan has been produced in response to The National Planning Policy Framework and outlines how the Council will approach Enforcement to ensure public confidence in the Planning system.

Planning Enforcement within ECDC is undertaken in accordance with the Council's Corporate Enforcement Protocol. <http://www.eastcambs.gov.uk/sites/default/files/corporateep0911.pdf>

This has regard to the principles of good regulation which ensures the enforcement function is

- Transparent
- Accountable
- Proportionate
- Consistent
- Targeted.

Enforcement action is a discretionary power and will be proportionate to the matter considered. Accordingly, we will have regard to the expediency of taking enforcement action in each case, and exercise discretion accordingly. This means that the Enforcement Team may resolve matters formally, informally, or decide not to take action even if a breach of planning control exists.

### **The matters that we investigate**

- Breaches of planning control, planning conditions and obligations, including but not restricted to building, mining, and engineering operations.
- Unauthorised uses of land.
- Unauthorised works to Listed Buildings and protected trees.
- Unauthorised works in Conservation Areas
- Unauthorised advertisements
- Allegations of untidy land
- Complaints about High Hedges
- Monitor planning conditions
- Monitor and compare Building Control commencements against planning approvals

### **What we don't investigate**

- Anonymous complaints
- Vexatious complaints
- Commercially motivated complaints
- Neighbour disputes
- Boundary disputes
- Land ownership disputes
- Enforce what's on deeds or covenants
- Breaches of leases/tenancies

## **ECDC Enforcement Priorities**

- Cases where there is ongoing or immediate threat of irreversible harm to amenity or the environment or damage to listed buildings and trees.
- Unauthorised residential use of land.
- Unauthorised change of use of agricultural land and development in the countryside.
- Unauthorised works in Conservation Areas.
- Monitor major developments.

We attempt to resolve matters informally in the first instance and at the developers' expense. Formal action will only be taken where there is demonstrable harm being caused to matters of public interest. This can include the service of notices, prosecution and/or the use of injunctions

Formal action will not be taken against minor, infrequent, technical or trivial breaches of planning control where there are no aggravating factors. Planning law allows development to be regularised retrospectively, and this is a course of action that will be followed if the circumstances allow.

Planning relates to land and its use and therefore when a matter is considered we will investigate as and on behalf of the Council, and not any other interested party.

## **How to make a complaint**

- An initial complaint can be made by phone, letter, email or by person at the Council Offices, or by completion of the on line Complaints form.
- <http://www.eastcambbs.gov.uk/customer-services/customer-portal-online-form?servId=72837&type=71386>
- In cases where the on line procedure is not used, a complaints form will be sent to the complainant for completion and return within 10 working days. Obtaining full and concise details is necessary to allow us to investigate the matter properly
- We are unable to accept anonymous complaints as it is important we get a contact point for additional information and for audit trail purposes. This adds accountability to the process and reduces the likelihood of vexatious complaints made for non planning reasons. A complainant may request their Parish Council or an elected member to complain on their behalf, if giving their details causes concern.
- The investigation file will remain confidential at all times. Details of the file will not be made available to any person who does not need to know the information.
- The identity of the complainant will not be divulged unless the Council is required to do so by legislation. .
- Any request for information will be considered in accordance with the Data Protection Act ,(DPA) Freedom of Information Act (FOI)and Environmental Information Regulations.(EIR)

## **After the complaint**

- On receipt of the initial complaint an officer will be assigned and the complainant will be sent an acknowledgement. We will carry out a preliminary investigation within 10 working days. This may or may not include a site visit as the information available to answer the complaint may be available within the office.
- Where the Complaints form is not returned, a decision on progressing the investigation will be made on the evidence available.
- We will contact the complainant within 15 working days to advise of our findings and state how we intend to proceed. It is more difficult to meet these targets in busy periods. Whilst some enforcement matters can be sorted relatively quickly, others take significant periods to resolve. This is likely to be dependent on how cooperative the parties involved are..
- The investigation will be confined to planning issues only. However any matters that are of obvious interest to other District Council departments will be passed to the relevant officers as appropriate. Planning Enforcement Officers will jointly investigate complaints with other Council Officers where there is a joint interest, and likewise with outside agencies and partners. E.g. Environment Agency, County Council etc.
- Work will be organized with those cases identified above as Enforcement Priorities looked at first.
- We will subsequently contact the complainant if the investigation results in receipt of a planning application, service of a notice or closure of the case. We are unable to give further information about the investigation as this may be contrary to DPA,FOI,EIR and or prejudice the Councils ability to carry out the enforcement function. If there are ongoing concerns however the complainant may contact the case officer.
- We will contact the complainant when the file is closed and explain the outcome.
- This Plan will be introduced from the 1<sup>st</sup> April 2014 and will be reviewed every 12 months.