



CONCERNS OVER INDADEQUATE AND INCONSISTENT ENFORCEMENT

Draft Enforcement and Compliance Strategy (Western Area Planning Committee 24.01.2007)

Tunbridge Wells Borough Council - Planning Enforcement and Compliance Team:

- Enforcement Team Leader: Alan Bringloe
- Planning Investigations Officers: David Holland, Paul Cole
- Compliance Officer: Martin Holmans
- Clerical Enforcement Assistant: Janet Greaves
- Planning Officer: Sean Mitchell

Portfolio Holder: Councillor Mrs Elisabeth Thomas

TWBC – Corporate Priorities:

- Care for our environment
- Delivering high quality services to our customers
- Improving Customer Service
- Ensuring we are well managed

The Regional Centre and nationally important Historic Town of Royal Tunbridge Wells is the only part of the Borough of Tunbridge Wells that does not have a Town or Parish Council. In the light of this, the Borough Council has set up the Royal Tunbridge Wells Town Forum, with the object to providing an opportunity for some form of community view to be expressed on issues affecting the town.

At its meeting on 18 January 2007, the Town Forum discussed item 4(B) of the Agenda for the Western Area Planning Committee and we were deeply concerned that Planning Enforcement should be fairly and consistently applied and, most importantly, that it should be effective.

Accordingly, we wholeheartedly agree with the key recommendations in the Trevor Roberts Report that *“The Authority must properly organise and resource the planning enforcement function to maintain the integrity of the planning process in Tunbridge Wells, otherwise negative messages will be sent to the community.”*

We welcome, too the statement in para 1.02 (p.1, Draft Strategy) that *“The Borough Council is firmly committed to effective and appropriate enforcement of planning control”*.

Also we strongly support the aims set out in para 1.04 (p.2, Draft Strategy): *“The aims of the Planning And Compliance Enforcement Team will be: . . . to maintain the credibility of the Planning System . . .”*

However, we do have anxieties about the table at the end of para 3.04 (p.10 of the Draft Strategy):

“The Council has thus adopted the following standard for prioritising response to complaints: . . .”

In particular, we consider that the placing of *“Breach of Planning Conditions”* under a *“Non-Urgent”* heading, could send out just those very ‘negative messages’ that the Roberts Report is seeking to avoid.

Moreover, we feel that the *“Non-Urgent”* and *“Minor”* headings themselves send out those negative messages, and we therefore ask that the four headings to be reconsidered, to send a positive message, instead of a negative one. Such a suggestion might be, e.g. *“Top Priority, High Priority, Medium Priority, and Lower Priority”*.

Enforcement and Compliance Strategy (Cabinet 8 Feb 2007 – Full Council 22 Feb 2007)

1.05 When considering what enforcement action to take it is important to note that **Planning Authorities have powers, but** in most cases other than very specialist areas, **no duty to enforce planning legislation.** The planning enforcement system is not designed to seek retribution but is instead intended to mitigate harm. Thus, in all cases, regard must be paid to whether it is expedient to take action and to then reach a balanced view on what action it is appropriate to take. Therefore, in responding to any breach of planning control made the strategy will generally be to take one of the following courses of action.

4 categories of action

- A. Immediate enforcement action to resolve breaches of planning control which require very urgent action and are causing significant damage to interests of acknowledged importance (this can include issuing a summons for a prosecution, or a stop notice or an injunction).
- B. Inviting a listed building or consent application or retrospective planning or advert consent application, if the breach that has occurred could be regularised. The legislation specifically provides that such retrospective applications can be made to regularise development already carried out. Alternatively, the owner may be invited to apply for a Certificate of Lawful Use or Lawful Development Certificate. If such applications are refused or not received within a reasonable timescale, the expedience for issuing a formal notice (including an Enforcement Notice) will be considered.
- C. Take no further action in cases where the breach is of a minor or technical nature, or where the works or use are acceptable without the need to impose any conditions.
- D. Establish that the complaint is not a breach, and that no action can be taken.

RTW Town Forum Planning Committee:

Daniel Bech (Telephone House Neighbours Association), Jennifer Blackburn (Rusthall Village Association), John Cunningham (RTW Civic Society), Adrian Ekins -Daukes (Cllr, Culverden Ward), Edward Tomlinson (St Barnabas Community), Philip Whitbourn (Beulah Road Residents Association)

RTW Town Forum Townscape/Street Scene Committee:

Daniel Bech (Telephone House Neighbours Association), Michael Doyle (Hawkenbury Village Association), George Lawson (Friends of the Commons), Edward Tomlinson (St Barnabas Community), Gill Twells (RTW Civic Society), Frank Williams (Cllr, Sherwood)