

Report to District Development Control Committee

Date of meeting: 11 December 2013

Subject: Local Enforcement Plan



**Epping Forest
District Council**

Officer contact for further information: Jeremy Godden, Principal Planning Officer (Enforcement) x 4498

Committee Secretary: S Hill Ext 4249

Recommendation(s):

That the Committee notes the comments of Loughton Town Council but is requested to confirm the Local Enforcement Plan (LEP) as previously adopted without further changes.

Report Detail

1. (Director of Planning and Economic Development). The Committee, at the last meeting on 16 October 2013, agreed to adopt the Local Enforcement Plan. A copy of that plan is attached to the minutes of the last meeting which is attached to this agenda. As part of the Committees decision, the Assistant Director of Planning was authorised to consider any further comments made by Local Council's and report further to this Committee if material changes to the plan were required.

2. During the previous consultation process it has become apparent that a number of Town and Parish Councils had been omitted from the initial consultation process. The Councils concerned (Loughton, Ongar, Stanford Rivers, Stapleford Abbots, Stapleford Tawney, Theydon Mount and Theydon Garnon) were consulted on 22 October 2013.

3. Of these seven local council's, Loughton Town Council have made the following relevant comments:

"Furthermore, the Epping Forest Association of Local Councils has formally requested that where it is decided by District Council Officers that further action is inexpedient under Sections 3.25 to 3.31 (Chapter 3 Investigation of suspected breaches of planning control: Not expedient to pursue formal action) of the protocol, that decision shall stand referred to an Area Planning Subcommittee if within 21 days of publication of the decision it is:

(a) called in by a member of Epping Forest District Council; or

(b) called in by the parish or town council in whose area the site falls."

4. This area of the plan was subject of discussion at the 16 October meeting, and it was decided that this call in facility was not required.

5. It is accepted that the decision not to proceed further in an investigation in an enforcement case on the grounds of expediency and proportionality can be unsettling

for neighbours and local Councillors. However, each case must be considered on its own merits and looked at dispassionately in the light of planning legislation, policy and precedent.

6. The Enforcement Section has a considerable wealth of experience in assessing the expediency of cases. Where it is considered that it is not expedient to take any further action this will have been carefully assessed by the officers in consultation with the Principal Planning Officer, who will have taken all the factors into consideration. This will include the relevant Legal Advice and planning advice, and often will involve other officers responsible for trees, conservation and senior development control officers.

7. The Enforcement Section will always explain and justify its decisions to Councillors and Councils if requested, but to the best of our knowledge this has only happened in once in the last four years. Serving an enforcement notice solely for the purposes of regularising a breach leaves the Council vulnerable to a cost claim should an appeal be lodged.

Conclusion

8. As can be seen, the decision that a case is not expedient to take forward is not undertaken lightly and whilst a matter of judgement, this judgement is a professional one backed by considerable experience and case law.

9. It is therefore considered that there is already a robust procedure in place and that a proposed call in would not add value to the enforcement processes.

Consultation undertaken:

Seven Town and Parish Councils have been consulted since the initial consultation.