

Planning Enforcement Prioritisation Strategy

A helpful guide as to when formal enforcement action will be taken



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Introduction- Effective Enforcement

As a Local Planning Authority, we have to balance effective use of our limited resources with our statutory requirements to uphold planning regulations. This is a new guide which outlines our approach as to when formal enforcement action will be taken. This approach introduces a two-tier prioritisation strategy.

The Planning Enforcement team currently receives over 1000 reports of suspected breaches in planning control every year. Dealing with these reports effectively is a challenge.

New Prioritisation Strategy

This new Strategy should be read in conjunction with the Planning Enforcement and Direct Action Policy. It builds on the principles laid out within this policy document and the concept of expediency.

It is at the Council's discretion whether to take formal enforcement action on breaches of planning control. Planning breaches may be unintentional or be considered technical or trivial. In line with government guidance within the National Planning Policy Framework (NPPF) 2018 and associated Planning Practice Guidance, the Council will take action when it is considered fair and reasonable to do so and it is proportionate to any harm caused.

In some cases, although there is a breach in planning control, the harm caused will be of a minor nature, meaning action is not justified therefore it is not expedient to pursue the case.

A new two-tier prioritisation strategy has been introduced, which is combined with a renewed set of tougher requirements of information needed to get an enforcement report registered.

The **first stage of prioritisation** is a checklist at the **initial stage of investigation** to help to determine whether any further investigation or negotiation is required or whether the case should be closed.

The checklist provides guidance to ensure that all enquiries are treated equally and that any action taken is fair and based on planning merits.

The **second stage of prioritisation**, is used later in the process and is a more detailed exercise performed by the case officer and is **used where negotiation fails**. Here the officer ranks the harm to determine if a development causes sufficient harm to warrant additional, formal action. The method ensures efficiency and fairness. The checklists outlined in the guide requires full consideration of the harm caused by a development and using a scoring system enables a consistent approach.

There is one checklist for operational development and one checklist for material change of use. Each checklist asks **3** questions and each question is scored out of **3**.

Does the Development cause:

-  3 points - SIGNIFICANT HARM
-  2 points - MEDIUM HARM
-  1 point - LOW HARM
-  0 point - NO HARM

Submitting and Enforcement Complaint

Before registration of a complaint, the following information is required:

1. Full address of the property suspected to be in breach of Planning control.
2. Confirmation that work(s) or use are being undertaken. Please note that if works have **not commenced**, no breach has occurred and we cannot investigate.
3. Full details of suspected breach of planning control.

(A complaint which says development is not built in accordance to approved plans is not sufficient. Please explain fully why you think a breach has occurred.)
4. Your details including your contact details - anonymous complaints will not be investigated.
5. Photos are compulsory

We will only investigate a complaint where full information is submitted.

If all information is not provided we will respond explaining what additional detail is required. You will then need to resubmit the complaint again with full information.

PLANNING ENFORCEMENT PRIORITISATION STRATEGY

Harm Framework – Tier 1

This assessment will be undertaken following the submission of a complaint or after an initial visit.

A score of **3** we will progress the investigation to the negotiation stage.

A score of **2** or under, the case will be closed and no further action taken.

Low harm (1 point)	Medium harm (2 points)	Significant harm (3 points)
Unauthorised signage and advertisements Any breach of planning control which is of a temporary nature Unauthorised fences walls and gates Unauthorised telecommunications equipment or satellite dishes on residential dwellings Untidy land	Unauthorised development which would adversely affect the character and appearance of a conservation area or the setting of a listed building Residential extensions which do not benefit from permitted development rights Breach of planning conditions which results in harm to general amenity Unauthorised works in progress to a tree protected by a tree preservation order or tree within a conservation area	Unauthorised works to a listed building or ancient monument Development/changes of use with serious implications upon the continued health and wellbeing of the public in Redbridge, such as brothels, shisha lounges and inappropriate industrial/commercial uses Large scale development where a serious impact is felt over a wide area Development of poor quality housing, including large houses of multiple occupancy, flat conversions and residential use of outbuildings

Descriptor	(0)	(1)	(2)
Is the breach in a conservation area	No	Yes	
Does the property have an article 4 Direction (excluding HMO article 4)	No	Yes	
Is the untidy land causing an offensive smell / odour or health hazard.	No	Yes	
Has the untidy land been causing an issue for more than a month.	No	Yes	
Does this require a site visit to determine the extent of harm.	No		Yes
Is there a highway safety issue	No		Yes
Is there a tree preservation order breach	No	Yes	
Is this a statutory listed building	No	Yes	

Harm Framework – Tier 2

The following two checklists will be used, in instances where negotiation has failed and the decision whether to take formal enforcement action needs to be made. Officers will assess each development in order and rank the harm to determine if the breach causes significant harm, medium harm or low harm.

Significant harm = 3 points	There is a serious harmful impact on the built environment or a serious impact on public health or amenity. It is not considered that planning consent would be granted.
Medium harm = 2 points	There is some impact on the built environment or some impact on public health or amenity. In cases where there is medium harm in some instances planning consent may not be granted. However, insufficient harm is caused by the development to warrant formal action. This will be based on experience and the likelihood of success at appeal of any enforcement proceedings.
Low harm = 1 point	There is a small impact on the built environment or a small impact on public health or amenity. In these cases, planning permission would likely be granted.
No harm = 0 point	There is no harm.

Scoring System

If any part of the development causes significant harm and is awarded a score of 3 the case will proceed directly to formal enforcement action.

If no part of the development causes significant harm with a score of 3, then a cumulative score of 4 or more will be required to proceed to formal action. This will involve the service of an Enforcement Notice. Non-compliance with an Enforcement Notice is a criminal offence. A cumulative score of 3 or less means that the case will be closed not expedient and no further action will be taken.

PLANNING ENFORCEMENT PRIORITISATION STRATEGY

Checklist for Operational Development

This questionnaire will be used for all types of operational development including, extension to the front, rear, side and roof extension of residential and commercial properties.

3 questions - Rank the harm out of 3.

Descriptor	No	Low Harm No Action	Medium Harm Retrospective action	Significant Harm Action taken
Does the development adversely impact the character and appearance of the host building or is the development inappropriate size of the plot	0	1	2	3
If the development can be seen from the public realm does the development adversely impact the appearance of conservation area or the wider street scene	0	1	2	3
Does the development adversely impact the amenity of adjoining or surrounding occupiers	0	1	2	3

If any part of the development causes significant harm and is awarded a score of 3 the case will proceed directly to an Enforcement Notice.

If no part of the development causes significant harm with a score of 3, then a cumulative score of 4 or more will be required to proceed to formal action. This will involve the service of an Enforcement Notice. Non-compliance with an Enforcement Notice is a criminal offence. A cumulative score of 3 or less means that the case will be closed not expedient and no further action will be taken.

PLANNING ENFORCEMENT PRIORITISATION STRATEGY

Checklist for Material Change of Use

This checklist can be used for all changes of uses such as HMO's, residential conversions, living accommodation in outbuildings, brothels, shisha bars, large scale industrial developments, material change of use, places of worship, shops and businesses.

3 questions - Rank the harm out of 3.

Harm Descriptor	No	Low Harm No Action	Medium Harm Retrospective action	Significant Harm Action taken
Is the use suitable for the location	0	1	2	3
Does the use need to be restricted through planning condition	0	1	2	3
Does the development create any undue noise or disturbance to neighbouring occupiers	0	1	2	3

If any part of the development causes significant harm and is awarded a score of 3 the case will proceed directly to an Enforcement Notice.

If no part of the development causes significant harm with a score of 3, then a cumulative score of 4 or more will be required to proceed to formal action. This will involve the service of an Enforcement Notice. Non-compliance with an Enforcement Notice is a criminal offence. A cumulative score of 3 or less means that the case will be closed not expedient and no further action will be taken.

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