

PCC Planning Update

Jim Newton, Interim Assistant Director of Planning & Building Control

Planning Department New Structure

- Currently a number of shared posts, and people working for other Councils. This is due to end on 31st March 2023
- We are investing £1.5 million into the service over the next three years
- This investment will start on 1st April 2023
- A draft new structure, to deliver all of this, is currently going through our internal processes, and is intended to go 'live' in January/February 2023

Administration and Engagement with Parish Councils

- Government Regulations require us to notify statutory consultees of planning applications
- We see Parish Councils also as our friends, giving us a more granular understanding of local issues
- We therefore, as well as sending you the formal planning application consultations, include you on the circular 'weekly list'
- That way, you will learn of applications at the soonest opportunity

Attitude to Village Envelope: context

- The law states that planning applications are determined in accordance with the development plan **unless other material circumstances suggest a different decision should be made**
- There is also a question of ‘weight’ to be applied to local plan policies, and other material considerations (including but not limited to the presence or absence of a five year supply of housing)
- In every case, we have to weigh the benefits of the scheme against the harm it will cause. Almost every planning application can be argued to conflict with a local plan policy, due to the nature of local plans, so the Court has established (and the NPPF states) that local plans should be taken as a whole

Attitude to Village Envelope (contd)

- The starting point is what does the Local Plan say
- Then we consider the 'weight' to apply to the relevant local plan policies
- We also consider 'material considerations' that may weigh in favour of the scheme, as well as those that may weigh against it
- The planning balance leads us to the outcome: it is very rarely black and white, it is almost always grey
- Wednesbury reasonableness applies to the legitimate planning judgement

Planning Enforcement: context

- The law states that we have a duty to consider enforcement action, but no requirement to take enforcement action
- The Ombudsman has ruled that, notwithstanding the letter of the law, planning authorities should have a functional enforcement system
- Similarly to planning applications, alleged planning breaches are not black and white. We have a requirement to consider the 'expediency' of taking formal action (this is also sometimes called the 'public interest' test)
- We balance the benefits of taking formal action (in other words is the magnitude of the harm caused by the breach of planning severe enough to warrant the cost of taking action)

Planning Enforcement (contd)

- We have a new Planning Enforcement Policy, which establishes categories of alleged breaches of planning, due to be considered by Cabinet next month
- Those categories then have targets applied to them for a response – the higher the importance (harm plus urgency) the quicker our response
- We are monitoring our performance against those targets
- We have also completed a review of ‘zombie’ cases, closing a number of files and progressing others to prosecution
- This allows us to focus on the higher priority cases, and also to close files relating to minor technical breaches more quickly
- Because of the potential for prosecution, we are guarded about what we tell people about ‘live’ enforcement cases