

admin

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To: Planning Enforcement
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Attachments: Shropshire Enforcement Protocol - Final October 2023.pdf

Follow Up Flag: Follow up
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Good Afternoon Councillors and Clerks,

I am writing to you all to raise awareness of our updated planning enforcement protocol, which sets out the Councils powers and priorities in dealing with enforcement enquiries. We have been undergoing a transformation of our processes over the last 2-3 years, with a move to a dedicated enforcement team, supported by wider planning and technical specialists, in investigating potential planning breaches. These changes have resulted in swifter determinations of whether a breach has occurred, and if so, it is a matter which causing sufficient harm that intervention is required.

Some of the key principles are as follows:

The thrust of the legislation seeks to put the onus for compliance with planning legislation on property owners, and that they should be afforded the opportunity to seek to remedy and address planning breaches. This can and often does include submission of retrospective planning permission. However, if development is considered to be acceptable in principle, then we can not insist that an application is submitted. Another solution can be to alter or change development to meet a planning consent or permitted development rights.

If there is significant harm arising from unauthorised development, or there is a need for controls by planning conditions, and there is no consent in place, and no commitment from owners to seek to address, then formal action may be the necessary response to seek to resolve the concerns.

Your participation on the process:

As part of our investigations and as committed in the protocol, we seek to engage with Parish and Town Councils, as having knowledge and local information which could be of assistance in considering matter. To that end we consult you on cases raised, with an automatic alert. Enforcement investigations are a confidential process, to ensure that complainants have no fear of coming forward with concerns. To that end, our consultation process with you is confidential, and we would expect that you should not disclose that an investigation has been lodged, or produce in any public meeting, documents or part of any public discussion the enforcement references or property addresses. It has come to our attention on a number of cases that this process is not currently occurring, and some parishes agendas and minutes include confidential details, and there have been allegations to Shropshire council that we are disclosing confidential information in breach of data protection legislation.

Consequently, can I urge you all review and consider your processes of dealing and handling our enforcement notifications, to ensure you and your organisation, are not open to claims of breaching data protection legislation. If it is of assistance, when we need to discuss these matters with planning committee, this is an end of agenda item, and is a closed session discussion, once the public have left and live streaming has ceased.

There are limited occasions when enforcement investigations move from being confidential to matters of public record, and this is when a formal enforcement notice is served. The case will then be displayed on our public access website, and includes details of the breach and the notice served and timescales for compliance. If the notice is appealed, then this is also a public process, and again information is available on our website.

I note that there is an ongoing concern that whilst we notify you of cases being opened, there is not a similar closing of case alert produced. This is due to our systems not allowing this, and there is a project being undertaken to assess how we can best address this. However, if there are cases of particular interest to yourselves, then on receipt of the details, you can contact the team and be added to the case as an interested party, so we can inform you as the matter progresses.

I hope this information is of assistance, if you have any queries, please do not hesitate to contact me.

Kind regards

Emma Green MRTPI

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