



Planning Committee

2 December 2008

ENFORCEMENT OF PLANNING CONTROL

(Report of the Acting Head of Planning and Building Control)

1. Purpose of Report

To determine an appropriate course of action in respect of the following Enforcement report(s). (Covering report only).

2. Recommendation

The Committee is asked to RESOLVE:

whether it considers it expedient to take the enforcement action specified in the following enforcement report(s).

3. Financial, Legal, Policy and Risk Implications

Financial

- 3.1 There are no direct financial implications in the report(s).

Legal

- 3.2 Legal implications are as detailed in the report(s) and as set out in the following Acts:-

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.
Human Rights Act 1998.
Crime and Disorder Act 1998.

- 3.3 In terms of the exempt elements of the report(s), and the "public interest" test for exempt consideration, Officers consider that it is rarely likely to be in the public's best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.
- 3.4 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.

- 3.5 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Policy

- 3.6 Policy implications are as detailed in the individual report(s), the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

- 3.7 Risk

As detailed within each specific report as appropriate.

4. Other Implications

Any Asset Management, Community Safety, Human Resources and Sustainability implications will be detailed in the attached separate report(s).

Social Exclusion: Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

5. Consultation

There has been no consultation other than with relevant Borough Council Officers.

6. Author of Report

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (email:-iain.mackay@redditchbc.gov.uk) for more information.

7. Appendices

Appendix - Key to Exempt Information (in respect of all the following Enforcement Report(s)).

(In view of the fact that it contains confidential information relating to the affairs of individuals and their identities and information relating to alleged breaches of Planning Control which could result in prosecution by the Council, the personal information attached to this report has been made available to Members and relevant Officers only.)