



Planning Committee

Various Wards

14 July 2009

ENFORCEMENT OF PLANNING CONTROL

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

1. Purpose of Report

To determine appropriate courses of action in respect of planning enforcement issues

Members are asked to consider an Enforcement matter, as detailed in the following report..

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, Risk and Sustainability Implications

Financial

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

Legal

- 3.2 Legal implications are as detailed in the report 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.

Town and Country Planning (Control of Advertisements) Regulations 2007

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

Policy

- 3.3 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.

Risk

- 3.4 As detailed within the specific report as appropriate.
- Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.
- 3.5 In terms of the exempt elements of the report (Confidential Location Plan provided under separate cover), 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.
- 3.6 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.
- 3.7 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.

Sustainability / Environmental

- 3.8 As detailed in the individual Enforcement report.

4. Other Implications

Any Asset Management, Community Safety and Human Resources 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

(e-mail:-iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

(In view of the fact that it contains confidential information relating to the identify of individuals relating to alleged breaches of Planning Control which could result in prosecution by the Council, the confidential Location Plan (issued under separate cover to this report, has been made available to Members and relevant Officers only.)