



# Planning Committee

Abbey and Central Wards

2nd February 2010

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## ENFORCEMENT OF PLANNING CONTROL

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

### 1. Purpose of Report

To determine an appropriate course of action in respect of two planning enforcement issues.

Members are asked to consider the Enforcement matters, as detailed in the following reports.

### 2. Recommendation

**The Committee is asked to RESOLVE**

**whether it considers it expedient to take the enforcement action specified in the following enforcement reports.**

### 3. Financial, Legal, Policy, Risk and Climate Change Implications

#### Financial

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

#### Legal

- 3.2 Legal implications are as detailed in the reports 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 reports, the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

## Risk

- 3.4 As detailed within each 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 element of the reports (Confidential Local Location Plans 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.

## Climate Change

- 3.8 As detailed in each individual Enforcement report.

## **4. Other Implications**

Any Asset Management, Community Safety, Human Resources and Sustainability/Environmental 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](mailto:iain.mackay@redditchbc.gov.uk)) for more information

7. **Attachments**

(In view of the fact that they contain 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.)