

**Enforcement of Planning Control  
Enforcement Item for Consideration:  
Condition Monitoring**

Report by Planning Officer (Compliance and Implementation)

**Summary:** Highlighting the process and outcomes of Condition Monitoring

**Recommendation:** Members are asked to note the report.

**1 Background**

- 1.1 An objective of the adopted Local Enforcement Plan (2016) is to prevent planning breaches in the Broads. In accordance with this, the Enforcement Team have started a process of formally monitoring development post approval. Strategically, this has meant that the Team have become proactive in Enforcement rather than reactive.
- 1.2 Conditions play an important role in ensuring that development which has been approved is acceptable. In order to ensure conditions are discharged and adhered to it is important to monitor the conditions post approval. Officers have been monitoring conditions by regularly visiting sites to ensure the development is being built in accordance with the approved plans and conditions. Regular monitoring of the sites ensures that major deviations from the plans are prevented. Face to face contact with the applicants, builders or project managers, facilitates an open dialogue post approval and means any smaller issues can be resolved before they become major problems.
- 1.3 Given the special qualities of the Broads, the regular monitoring of development also prevents the erosion of character of design through small alterations which can occur post approval (such as the use of inferior materials, alterations to fenestration or design detailing), especially in cases where there has been strong negotiations regarding design at the application stage.
- 1.4 It is noted that whilst the above is effective in ensuring development which has been permitted is undertaken in accordance with the permission, it is less effective in identifying and addressing development which has not been through the planning process.

## **2 The Monitoring Process**

- 2.1 Turning to the process itself, monitoring is carried out of all permissions for major development, development affecting a Listed Building or within a Conservation Area, Planning Committee decisions and cases where the scheme or site is particularly sensitive or has been the subject of a high level of negotiation. Clearly it is not possible to monitor everything, but these are the sites where non-compliance would have the greatest impact so it is effectively a risk based approach. The identified sites are logged on a Condition Monitoring spreadsheet and Officers will visit the sites on a rolling programme every 4 months (depending on the nature and scale of the development). The spreadsheet will be updated following each visit with the findings of the officer and the application will be removed from the spreadsheet when the development has been completed in accordance with the approved plans and conditions.
- 2.2 When on site Officers will check what is being built is in accordance with the approved plans and conditions. If there are any discrepancies Officers will discuss these with the applicants, builders or project managers on site. Officers will also discuss any deviations from the plan with the Planning Officer who dealt with the original application to agree a way forward.
- 2.3 In most cases the alterations have been di-minimus, or non-material; in the latter case the applicants are advised to submit a non-material amendment. Any major changes are dealt with via a variation of condition application if considered acceptable or Officers will undertake enforcement negotiations if not considered acceptable. The Authority is able to issue Breach of Condition notices under Section 187A of the Town and Country Planning Act if Officers are unsuccessful with enforcement negotiations, but this is seen as a last resort.

## **3 Themed Monitoring**

- 3.1 In addition to the regular Condition Monitoring programme, Officers have started monitoring some specific conditions, taking a theme-based approach and looking at issues which are particularly important to the Broads. For example, Officers have recently completed a round of monitoring of permissions with a holiday occupancy restriction condition. This was achieved by checking availability of accommodation on websites in the first instance, then visiting the sites and/or writing to owners. This has been a successful exercise with the majority of owners aware of the conditions and adhering to them. This will be monitored annually.
- 3.2 Officers have also started monitoring permissions with an annex restriction. Officers are in the process of gathering information about these properties and

will be undertaking site visits and contacting all the owners to discuss compliance. Going forward, again this will also be monitored annually.

- 3.3 Another area considered particularly important to the Broads is the landscape impact of development. Landscape conditions can equally be very important in terms of ensuring development successfully assimilates into the Broads landscape. Officers will therefore look at monitoring the implementation and success of Landscaping Schemes as the next round of monitoring.

#### **4 Outcomes**

- 4.1 Regular, programmed Condition Monitoring helps to ensure the development which is built is in accordance with the approved plans and conditions. Officers become more pro-active in Enforcement rather than reactive, in accordance with the Local Enforcement Plan. In undertaking the monitoring programme, Officers have been pleased to see that the majority of development is in accordance with the approved plans, with most discrepancies being minor and/or accidental. There is no evidence of wide scale or deliberate non-compliance.
- 4.2 An open dialogue ensures that small issues which can occur when building the development are resolved before they become major problems. Ultimately, by working closely with the people in charge of providing the development, post planning approval, Officers hope to achieve successful development which all partners can be proud of.

Background papers: Local Enforcement Plan: Broads Authority

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Appendices: Nil