

Date	Contributor	Comments	Points to take forward
04/02/2	Conservation and Design Officer	<p>The draft plan looks good. Is intended to cover listed buildings? Early on in the draft (last point under 5. The Principles of Planning Enforcement) it states that LB's and trees are specifically excluded. But it then goes on (under 6. What is a Breach of Planning Control?) to include LB's and trees as examples of breaches in Planning Control and then again (under 9. Priorities) as examples of the Highest Priority (Category 1) breaches. I can see the predicament of trying to be clear about the scope by focusing the Plan on the provisions of the Planning Act, but if the Listed Buildings Act is intended to be excluded I think all references to LB's should be removed. Having said this, my preference would be to include LB's as these can often raise quite vocal public concerns. What do you think?</p>	<p>In Section 2 after Town and Country Planning Act 1990 (as amended) add and Planning (Listed Buildings and Conservation Area) Act 1990 (as amended)</p> <p>Last bullet point under Section 5 remove listed buildings and trees</p>
04/02/	Corporate Services Overview and Scrutiny Committee, held on Tuesday 27th January 2015	<p>31. PLANNING ENFORCEMENT SERVICE ACTION PLAN AND CONSULTATION ON THE LOCAL PLAN -</p> <p>The Committee received a report, which asked Members to consider the consultation on the Local Enforcement Plan, which would set out the Council's policy and procedure to address improvements to the service. The plan had received an input from John Silvester, who was pleased that most of his draft comments had been retained. The Head of Development Management and Regulatory Services advised that officers had tried to simplify what was a very complex document so that it was more user friendly for the general public. The document set out what constituted a breach of planning control and what the Council's policy was to deal with that.</p> <p>The document also set out a number of priorities. With the Council's resources being finite, when breaches were investigated, they needed to be prioritised, for example: whether they posed significant harm or whether they posed minor harm. Officers tried to focus on the advice they had been given from the Government and the legislation and guidance notes provided.</p> <p>One particular thing the document focussed on was that where the Council could not negotiate with an applicant who breached planning control, then action would be taken, where the Council felt it was expedient to do so. All bar one of the Town and Parish Councils were present at the event discussed above and it is expected that the Town and Parish Council acts as the 'eyes and ears' on the ground to advise the Council of any breaches of planning control. It was important that the Town, Parish and Borough Council worked together. Councillor Kaiser explained that the emphasis tonight was on the plan, which had been improved over the last 18 months. The comments received so far had been positive. Councillor Kaiser congratulated the officers present for their hard work and stressed that the document was a living document and would be amended when and as legislation changed. He added that he was looking forward to the outcome of the consultation. The Chairman thanked Councillor Kaiser for attending the meeting.</p> <p>A Member stressed that harm was subjective and asked if it was possible to include a more coherent definition of harm. The Head of Development Management and Regulatory Services advised that it was not easy to give a precise definition of harm because each case is different as is every site. Any breach needs to be considered</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p> <p>Monitoring (Appendix 2) to be simplified to show trends in breaches and the amount of information will be reduced</p> <p>Monitoring reports will provide more information about long term cases</p>

56		<p>addressing all material consideration in planning terms and if the proposal did have a negative impact, planning harm could result. This is similar to assessing a planning application. She suggested that the request by the member for this to be made clearer will registered as a comment as part of the consultation process.</p> <p>The Vice-Chairman advised that he had been very happy with the outcome of the Town and Parish Council event referred to above. He referred to a barn conversion which had appeared in the Daily Mail newspaper and the fact that the council was taking enforcement action against it.</p> <p>A Member asked if there was a general trend in breaches of planning control and were the Council's policies having an effect on Priority 1 statistics set out in Appendix 2 to the report. The Head of Development Management and Regulatory Services advised that the number of requests for the service had been consistent over the years. There is anecdotal evidence of a general increase in awareness of the need to comply with planning regulations, and people have therefore been more likely to contact the planning department to check if permission was required before carrying out the work.</p> <p>The Chairman asked about timelines. The Service Manager, Regulatory Services and Compliance advised that a period of 8 weeks has been given as a target to deal with cases (and included in Appendix 2 to the report) but it is difficult to quantify for complicated cases as this is outside of the council's control. A quarterly report was included in the agenda to the Planning Committee.</p> <p>The Head of Development Management and Regulatory Services advised that the action plan was already in place and almost everything on the plan had been implemented. She circulated the action plan and gave copies to Mr Berman and Mr Meadowcroft. She explained that is residents had made an allegation of a breach of planning control, they will receive monthly updates to advise them of what the Council was doing. A new IT system was being implemented in April 2015 which would assist officers to meet the expectations and requirements set out in the plan.</p> <p>The Chairman acknowledged that it is intended that comments made by John Silvester will be fed into the document via the consultation process.</p> <p>The members of the OSC made the following comments which will be fed into the consultation that commenced 9th February 2015:-</p> <ul style="list-style-type: none"> • It would be helpful if there was a clearer explanation of planning harm • The monitoring (Appendix 2) should be simplified to show trends in breaches and the amount of information should be reduced • It would helpful if long term cases could be identified through monitoring to provide detail about these 	
24/02/20	Cllr Gary Cowan	The only comments that I would like to make are firstly that I am pleased to see that something is being done to standardize the service, it is long overdue, and although this service is labelled as 'discretionary', if WBC provide a department for Enforcement there will be an expectation amongst residents that it will be carried out.	Noted

		<p>Secondly, there is one problem in relation to Enforcement where I cannot see your new framework will help. This is in cases familiar to us here on Carter's Hill where although neighbouring residents report transgressions and they are investigated with little or no evidence found, in due course the owner applies for retrospective permission. It would be very useful for good neighbour relations if a way could be found to solve this problem.</p>	
57	David Parsons	<p>"The plan is well written. The enforcement team is a scarce resource, and the policy seeks to provide a framework for 'rationing' its activity. The policy [paragraph 4] provides [third bullet] that the Council will act proportionately to the scale of the breach.</p> <p>It seems that a high proportion of cases investigated arise from complaints, many of these arising from jealousy or ill-feeling. There may therefore be a tendency for small breaches to be disproportionately followed up because of a complaint, leaving serious ones not attended to because no one had complained. This is not making the best use of the staff resources available.</p> <p>Paragraph 16 recognises the importance of pro-actively monitoring development. More emphasis being placed on this could pick up serious breaches which would otherwise go unpursued because officers are so busy following up complaints.</p> <p>I have personal experience of a minor case which arose from a complaint being pursued at considerable expenditure of officers' time, involving an EN, and a retrospective application refused but allowed on appeal, when many hundreds of more serious cases of comparable breach have not been pursued and remain as eyesores to this day.</p> <p>I have three recommendations</p> <ol style="list-style-type: none"> 1. Could Building Control Officers be specifically charged with checking that construction accords with the approved plans and looking out for breaches on their travels? 2. Could more emphasis be put on pro-active work, and could Appendix 2 provide for monitoring the % of time spent pro-actively rather than reacting to complaints [or if that is difficult the % of cases pursued ? 3. Before issue of an EN, could someone independent review the case to get a dispassionate view of whether it is 'proportionate' use of resource to pursue it? This could be the local Councillor or a senior officer outside planning department. <p>"</p>	<p>Recommendations noted:</p> <p>Proactive plan checking with Building Control is already being undertaken on a sample basis.</p> <p>Proactive compliance checking of major development is being undertaken</p> <p>% cases pursued to formal action is already provided.</p> <p>Shared Legal Solutions review EN's prior to service as a check of whether it is appropriate to proceed with enforcement action.</p>
	Liz Halson (Swallowfield Parish)	<p>"The document has been reviewed by the Chairman of Planning for Swallowfield Parish Council and he has made the following comments:</p> <ol style="list-style-type: none"> 4. The Council's Local Planning Enforcement Policy <ul style="list-style-type: none"> - second bullet – "unlawful", should this be "unauthorised"? - the statement "inappropriate circumstances" is vague and lacks clarity, should this be deleted. - some form of action should take place whenever there is planning harm and the next bullet qualifies this by saying it should be proportionate. It could be said that, regardless of whether there is any planning harm, at the very least something should be done to regularise the situation such as a full planning application of CLEUD application as appropriate. It is important to encourage people to adhere to the rules in all cases. - last bullet – "The Council will:- Perform against agreed standards....". What at the standards? Suggest adding "as defined in this policy document". Reference Section 20 and Appendix 2 maybe. 	<p>Comments noted:</p> <p>Section 4 second bullet point change "unlawful" to "unauthorised".</p> <p>Section 4 last bullet point add "(see priorities table in</p>

58		<p>- last bullet – “... resources will be targeted to prioritise those cases where the greatest harm is being caused.” Suggest adding “as detailed in Section 9”.</p> <p>16. Monitoring Development Suggest the criteria for identifying developments to be monitored should include: - past record of applicant and/or of site (e.g. past complaints, enforcement investigations or unauthorised uses or developments regularised through the CLEUD application process). - where planning pre-conditions have been imposed.</p> <p>In addition, Building Control should be expected to play a role in reporting any potential breaches or deviations from plan that are seen during their inspections.</p> <p>21. Conclusions Second bullet - “... resolving most breaches throughout negotiation” should read through not throughout</p> <p>As Clerk I think the document will be very useful and clearly sets out expectations and certainly Swallowfield Parish Council would like to be fully engaged with supporting your activities. I would like some guidance (not sure it’s part of this document) regarding onward communication of the RFS notifications I receive. They say “Please remember that this information should be treated as confidential” but what does that mean. At the moment I forward them to all Councillors and they are referred to on the agenda & minutes of our Council meetings but no details of the sites is given – I think it would sometimes be useful for residents to know which sites are subject to enforcement investigations and why investigations are closed with no action (or at least that’s what residents think!). Can you confirm what information I can publish. Thanks Liz</p>	<p>Section 9)” after “Perform against agreed standards”</p> <p>Noted – not practical and each case should be determined on its own merits.</p> <p>Already happening</p> <p>Section 21 second bullet point change “throughout” to “through”.</p> <p>To be advised separately</p>
18/	Tom Berman	<p>"I have been following the development of improved planning enforcement through the presentations to the WBC Corporate Services Overview and Scrutiny Committee, and I herewith propose three further improvements to the Local Planning Enforcement Plan (LPEP -designed to replace WBC Planning Enforcement Policy 2007).</p> <p>1. Definition of planning harm Throughout the LPEP document there are references to situations where there has been a breach of planning control but the council’s judgement is that no significant planning harm is being caused, and therefore it is not expedient to use planning enforcement powers. Space should be found within the LPEP document to provide a definition of “planning harm” (Note 1)</p> <p>2. Section 11 of LPEP: Ward Members’ Influence In the second part of the tabulation under Section11, concerning action to be taken when a planning “breach has been identified but it is not expedient to pursue”, it is currently stated that “...the ward member given 48 hrs notification. The case will then be closed and no further action taken”. This understates the potential influence of the ward member and It should be specifically stated here that the ward member may challenge (and overturn) the officer’s decision</p>	<p>Noted</p> <p>Ward member may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have had opportunity to be involved with the case prior to its closure.</p> <p>Only the 2 Wargrave</p>

59		<p>that it is not expedient to pursue enforcement action (Note 2)</p> <p>3. 48 hrs notification In the same part of Section 11 as above (where a planning breach has been identified) the 48 hrs notification to ward members is far too short. The period of notification to ward members should in this case be increased to 20 working days. (Note 3)</p> <p>Notes</p> <p>1. "Planning Harm": WBC officers have suggested that it is too difficult to provide a definition of this. In so far as there is some subjectivity in determining degrees of planning harm, the difficulty is appreciated, but this makes it all the more important to attempt a definition. Wokingham Borough Council should be following best practice in this matter viz. Definitions re planning enforcement and planning harm provided by other LPAs such as Eastleigh, Tendring and Newport</p> <p>2. Ward Members Influence: Up till recently the Planning Enforcement officers have been "judge and jury" in determining when a case presents no planning harm and therefore it is not expedient to pursue enforcement action. In the normal checks and balances of democratic governance this should not be acceptable: the elected members, particularly ward members who have local knowledge (and particularly where the judgement of "no harm" might be somewhat subjective) should be able to challenge the officer's decision of "no harm". In this matter Councillor Kaiser has recently confirmed that ward members can "if they so wish challenge the decision" (to close a case on the grounds of "no harm") and that this is now a part of members' training. Challenging the decision implies the possibility of overturning the decision (otherwise "challenge" is meaningless.). In the light of this, and returning to the "Action" in Section 11 concerning when a "breach (is) identified but it is not expedient to pursue", the statement that ".....an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken." is clearly misleading. The case will not be closed, if the ward member challenges the decision and that challenge is upheld (by whatever internal council process –which need not concern us here).</p> <p>3. 48 hours notification: When officers have decided that there is "no harm" and no need to pursue enforcement action, the matter is by definition non-urgent and there is no time pressure and no need for such a short deadline by which members should respond. Obviously too, ward members might be unavailable for various reasons for a week or two, and should not be "disenfranchised" by a 48 hr deadline. The council, when setting deadlines normally quotes them in terms of "working days", and should do so in this case. Whatever period is set for any deadline, it should mean what it says i.e. a 48 hr deadline should not be supported on the grounds that members might on occasion be allowed some leeway.</p>	<p>members of the Council has made any comment about the time period of 48 hours' notice to ward members about closure of enforcement cases. There is no plan to alter this arrangement (see notes under John Halsall below)</p> <p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>
	Cllr Bob Pitts	<p>It is mentioned early on in the plan that legislation does not allow planning permission to be sought retrospectively. However, the mention of seeking retrospective permission is mentioned frequently throughout the document. This needs to be clarified.</p> <p>2) Giving Ward members 48 hours to respond to comments about enforcement proceedings being terminated is too short. I would like to see ten working days. We have commented on this in the main comment responses.</p>	<p>The legislation does allow pp to be sought and granted retrospectively.</p> <p>In half of cases reported to us there is no breach and</p>

		<p>Planning harm is such a subjective term. It might help if this was defined within the plan, together with some examples.</p>	<p>this would just prolong the agony for those people involved. It would also impact on the timescales set out in the document. As members are notified of the RFS receipt, they can be asked to be kept informed through the investigation period so the close down notification will not be the first they know of a case.</p> <p>There is further definition of this and a checklist in the final version</p>
60	Town & Parish Comments from meeting	<p>Communication, Communication - list to residents, no monitoring. Tell people. Shout - Encourage people to report breaches. Website - Project. Simple email address or telephone number. Examples of outcome - info coming back. Check if PP given. Detailed letter to Town & Parishes. Explain not check every development - need to be reported. Language(Plain English), Surgery - set time, rapid response, accessibility. Finchampstead GRT Site.</p>	Noted
	Cllr John Halsall	<p>"I would endorse the comments made by Wargrave Council as follows: Part 8 – Reporting a breach Some concern is expressed at the suggestion that town/parish councils seek an informal resolution to possible breaches. Apart from possible liability issues, not all town/parish councils possess the necessary skill sets or qualifications to provide advice on planning enforcement issues. Parish councils can hold information on the Borough Council's procedures, provide low level and simple advice on what does not constitute enforcement issues (such as an effect on a property value, private matters and non development issues) as well as passing on appropriate enforcement requests and assisting with Borough Officer enquiries. Part 18 - (48 Hours' notice to Ward Members to take no further action) With reference to the policy in relation to the above, that this time scale is an insufficient period in which to receive, consider, possibly consult and respond. If the recommendation is for no action, surely there is no urgency to impose such a restrictive two day limit. It is suggested that this period should be extended to at least five working days but most probably twenty working days. In addition, the policy is silent on the procedure that would be followed if a Ward Member was to disagree with the recommendation. The only reference made is to allow a Ward Member two working days to contact the</p>	<p>Noted</p> <p>Noted – there is no requirement for the parish council to take an active role but an opportunity to become more involved in the process if it wishes.</p> <p>Only 2 members of the Council have made any comment about the time period of 48 hours' notice to ward members about closure of enforcement</p>

61		<p>relevant Officer to discuss the case, albeit with a presumption that the case will be closed. The Ward Member should be able to overturn the officer's recommendation.</p> <p>Overall comment on document - The document could benefit from some expansion and explanation as not all readers of it will be as fully conversant with planning and more specifically 'development'. For example the absence of a definition of 'harm' suggests that it is subjective and open to interpretation, a few examples such as 'building on Green Belt' or 'loss of daylight or privacy caused by a neighbour's extension' may assist with furthering the public understanding of appropriate enforcement reporting.</p> <p>Whilst it is accepted that it is difficult to compile such a detailed policy that will be fully understood by all, an example that strives to achieve this is one adopted by Chiltern District Council (available from its website).</p>	<p>cases. There is no plan to alter this arrangement</p> <p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed</p> <p>Section 11 - change wording in table Action boxes 1 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this."</p> <p>Box 3 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. A certificate of lawful development may be invited."</p>
19/03/	Philip Meadowcroft	<p>"There is an overwhelming need for WBC's LPEP to define "planning harm" / "not expedient" (like other Council's have done).</p> <p>1. Implementing the LPEP with key decision indicators which have defied definition by WBC's officers - who act, in effect, as both as judge and jury – is a fundamentally and critically unsound practice.</p> <p>I urge you to visit the websites of three LPAs - Tendring, Eastleigh, and Newport - who have tackled the question of defining "planning harm" and "not expedient". They have gone to considerable trouble to express their policies and place them for public examination on their respective website.</p> <p>The websites are: http://www.tendringdc.gov.uk/planning/enforcement/enforcement-policy</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>

		<p>http://www.eastleigh.gov.uk/planning--building-control/planning/planning-enforcement.aspx http://www.newport.gov.uk/_dc/index.cfm?fuseaction=planning.developmentcontrol&contentid=CONT423204</p> <p>2. The current “48 hour rule” granting Ward Councillors to opportunity to challenge and overturn any proposed “planning harm”/“not expedient” is totally impracticable and requires amendment. There is a clear need, in my view, for Ward Councillors to retain their current power to challenge proposed enforcement judgments by officer where “planning harm” and “not expedient” are key factors in the proposed decision. The current 48 hour rule for such a challenge is little short of absurd given the commitments faced and undertaken by Ward Councillors; instead a 25 working-day challenge period would be more appropriate and would enable a considered view to be taken by the Ward Councillor."</p>	<p>Only 2 members of the Council have made any comment about the time period of 48 hours’ notice to ward members about closure of enforcement cases. There is no plan to alter this arrangement</p> <p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed (see notes under John Halsall above)</p>
<p>20/03</p> <p style="text-align: center;">62</p>	<p>Stephen Hedges (Wargrave Parish)</p>	<p>"Local Planning Enforcement Plan Consultation The Parish Council respectfully submits the following comments:-</p> <p>Part 8 – Reporting a breach Some concern is expressed at the suggestion that town/parish councils seek an informal resolution to possible breaches. Apart from possible liability issues, not all town/parish councils possess the necessary skill sets or qualifications to provide advice on planning enforcement issues. This Council is happy to hold information on the Borough Council's procedures, provide low level and simple advice on what does not constitute enforcement issues (such as an effect on a property value, private matters and non development issues) as well as passing on appropriate enforcement requests and assisting with Borough Officer enquiries.</p> <p>Part 18 - (48 Hours notice to Ward Members to take no further action) With reference to the policy in relation to the above, the Parish Council suggests that this time scale appears to be an insufficient period in which to receive, consider, possibly consult and respond. If the recommendation is for no action, surely there is no urgency to impose such a restrictive two day limit. It is suggested that this period should be extended to at least five working days.</p> <p>In addition, the policy is silent on the procedure that would be followed if a Ward Member was to disagree with the recommendation. The only reference made is to allow a Ward Member two working days to contact the relevant Officer to discuss the case, albeit with a presumption that the case will be closed. Overall comment on document This Council respectfully suggests that the document could benefit from some expansion and explanation as not all readers of it will be as fully conversant with planning and more specifically</p>	<p>Noted – there is no requirement for the parish council to take an active role but an opportunity to become more involved in the process if it wishes.</p> <p>Ward member may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have had opportunity to be involved with the case prior to its closure. (see notes under John Halsall above)</p>

		<p>'development'. For example the absence of a definition of 'harm' suggests that it is subjective and open to interpretation, a few examples such as 'building on Green Belt' or 'loss of daylight or privacy caused by a neighbour's extension' may assist with furthering the public understanding of appropriate enforcement reporting.</p> <p>Whilst it is accepted that it is difficult to compile such a detailed policy that will be fully understood by all, an example that strives to achieve this is one adopted by Chiltern District Council (available from its website)."</p>	<p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p>
	Finchampstead Parish	We have considered the documents and agree with the principles. We assume that WBC will have sufficient staff resources to implement the strategy.	Noted
63	Gloria Triggs	<p>Comments on the Local Planning Enforcement Plan</p> <p>1. I would like to see a Planning Enforcement Committee of Councillors formed (as is done with listed Planning Applications) and for that Committee to decide not the Officers, which Breach of Condition etc., to enforce, having firstly involved the Ward Councillors together with the Town or Parish Council where the breach is occurring for their input, as they know best the impact of a Breach(s) on residents and the community, not the Officers.</p> <p style="text-align: center;">OR</p> <p>Planning Enforcement to be out-sourced to a professional company thus releasing the current Planning Enforcement team who have been deemed as not fit for purpose which I can endorse and hence not a good use of Council Tax money.</p> <p>2. Where there is clear evidence of a "Breach(s) impacting on the health, safety or the resident(s)' right to peaceful enjoyment of their home and environment, "Enforcement" without question must be swiftly actioned, especially having submitted years of medical evidence to W.B.C. along with CCTV footage, photographs, log of vehicle registration numbers etc., of ASDA, Lower Earley breaching their permitted delivery times. To have been forced to endure over 12 years of severe sleep disruption resulting in permanent health damage is disgraceful, showing W.B.C. has completely failed in their "DUTY OF CARE".</p> <p>3. A rapid escalation procedure put into place to quickly serve a Breach of Condition Notice where resident(s)' health, safety and peaceful enjoyment of their home and environment is involved.</p> <p>4. Conditions placed on a Planning Consent are done for a good reason. Without the Conditions in place, Consent for the Planning Application would not be given. Equally, having placed Conditions on a Planning Consent there is an implied obligation to enforce, if breached, otherwise the whole thing is a mockery. W.B.C. Planning Enforcement's current function of operation is disgraceful and for some reason appears to take a different interpretation of Planning Guidelines and Regulations from that of other Councils. Other Councils take Conditions placed on Planning Applications more seriously and do enforce. W.B.C. is well known for it's lax</p>	<p>Members have the opportunity to become involved with enforcement cases. They are also informed before a case is closed. Controversial cases are taken to planning committee and/or considered in conjunction with the executive member.</p> <p>Other points noted.</p> <p>Conditions are being proactively monitored for major developments.</p> <p>The performance of the planning enforcement team will be monitored and reported to members regularly as set out in the plan.</p>

64		<p>stanz on Enforcement and, therefore, failing in their "Duty of Care".</p> <p>5. When a Planning Officer gives an assurance that something will definitely be done in connection with a Planning Application in order to achieve Planning Consent, then when it is not, Enforcement must be followed through to ensure the integrity of the Planning Officer, Planning Consent and Conditions, at the moment this is not done which calls into question the integrity of the Officer and the system.</p> <p>6. Where an Enforcement Officer has been economical with the truth, I want a system to be put into place for that Officer to be disciplined or dismissed.</p> <p>7. To suggest neighbours to get together to sort out parking problems rather than use enforcement is again disgraceful. Due to Planning Officers allowing over-development in our Close, even with objections from the Town Council and residents which the Planning Officers choose to ignore and vehicles not being placed into garages as Conditions dictate. There is a serious parking problem which has over the years resulted in fights, Police attendance, W.B.C. legal Department involvement and still the situation has not improved as Enforcement is very much needed to control this issue.</p> <p>8. W.B.C. Enforcement Officers do not appear to understand residents' Human Rights which must be foremost in decision making. A professional company would know this and act accordingly. I am very much in favour for Planning Enforcement to be out-sourced to a professional company.</p> <p>9. When a "Consented Planning Application" is completed, the completed works must be inspected by a new Committee of Coucillors (not Officers as I have no confidence in them) to ensure all Conditions and the submitted plans have been adhered to and if not the Applicant must be made to do so, however, definately not by Officers telling them to submit a variation to get round the non-compliance of the Consent and Conditions. W.B.C. is well known for their lax attitude to non-compliance of Planning Consent and Conditions and reluctance to enforcement, which questions the integrity of the Officers and is in effect conning residents, Councillors, Town and Parish Councils.</p>	
	Jennifer Lissaman	<p>An efficient and effective planning enforcement service is to be welcomed and Wokingham Borough Council's (WBC) new approach should be widely advertised so that 'developers' will be aware that they should work within the planning permission they have been granted and residents will have confidence that their concerns will be investigated promptly and thoroughly.</p> <p>Unfortunately the current document does not inspire confidence. For whatever reasons WBC residents already assume that developers 'get away' with too much and they definitely do not like retrospective applications. This document reads as though it really isn't a problem if a plan or condition isn't being adhered to as WBC is only too happy to make it all right for the applicant, but not so 'all right' for the local resident.</p>	

<p>65</p>	<p>In addition, to improved enforcement, more emphasis needs to be made when approving planning applications that developers should build what they have permission for. A google search for 'planning enforcement plans or policy' would assist in producing a sharper text with suitable references to relevant policies and pointers to other parts of the document. Eg Section 4 refers to 'Perform against agreed standards'so let the reader know where these standards can be found in the document (I assume Section 9?). There are no definitions or explanations for non planners (the majority of Wokingham residents) of such terms as harm, significant harm, expedient, reasonable resource, act proportionately. It is not difficult to find these in other Council's enforcement plans.</p> <p>Residents do not know that the extension, or new houses, being built near them will not be monitored by anyone. They assume it will because they pay their council tax, but they don't know that the only people keeping an eye on what is being built will be them alone. Residents need to have this explained. They may also need to know where to find the approved plans and who can help them understand the plans if they are not familiar with planning procedures."#</p> <p>"There are no time periods mentioned for how long a breach can remain in place before it can no longer be investigated eg 4 years for one type of breach, 10 years for another.</p> <p>It is not acceptable to write in the 'outcome of investigation' at 11, second para, that 'a retrospective application will be requested to regularise a breach or an expediency report will be prepared and the ward member given 48 hours notification. The case will then be closed and no further action taken.' A ward member should be able to see the expediency report and have the ability to challenge it on grounds such as Health and Safety, Loss of amenity etc. One of your recent successful prosecutions was a development that was originally quoted as 'not expedient to pursue'.</p>	<p>The Council has to work within the constraints of the national policy and legal system. The service has gained resource to proactively check compliance and to take more action when appropriate and this has been implemented</p> <p>See Section 11</p> <p>A more explicit explanation/definition of planning harm will be included in the LPEP</p> <p>A checklist for expediency of action will be appended to the LPEP as a tool</p> <p>To be addressed via the new planning website</p>
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			<p>If the ward member seeks more information or discussion then there is an opportunity for this and the case is not closed</p> <p>Section 11 - change wording in table Action boxes 1 to "Ward members to be provided with 48 hours notification of intention to close case and take no further action. If no challenge then case is closed. The complainant will be notified of closure and the reasons for this."</p>
<p>23/03/</p> <p>66</p>	<p>Gavin Dunbar</p>	<p>I note the references to consulting and informing Ward Councillors but would doubt if the 48 hours response time is sufficient. However the people with best knowledge of the local situations are the Parish and Town Councils so breaches of planning control should be formally reported to them so they can comment to meet the aims as stated in paragraph 19. The significant cases should then be discussed at their open meetings in a similar way to Planning Applications.</p>	<p>Parish and Town Council's are notified of RFS's. Only 2 ward members have commented about the 48 hour time period.</p> <p>Ward members may, challenge, seek clarification or request further work. They are notified on receipt of RFS so have an opportunity to be involved with the case prior to its closure. (see notes under John Halsall above)</p> <p>Members have the opportunity to become involved with enforcement cases. They are also informed before a case is</p>

				closed. Controversial cases are taken to planning committee and/or considered in conjunction with the executive member.	
67	Mike Dunstan Wokingham Town Council	<p>Rather than comment on the policy in its entirety, we have confined our comments to those elements that deal with the role of Wokingham Town Council (WTC) in informing the enforcement process and in assisting WBC in its implementation and operation.</p> <p>WTC are pleased to see that the very important role that we have to play in helping WBC in these aspects is recognised. However, we have a number of concerns regarding the manner in which that role is interpreted by WBC in the everyday operation of the policy. These largely relate to Sections 16 and 19 of the policy and are detailed below.</p>			<p>Noted</p> <p>Noted, resources are allocated according to priorities.</p> <p>Compliance checking has already commenced especially for major schemes</p>
		Policy Reference	Policy Content	WTC Comment	
		<i>Section 16 Paragraph 1</i>	<i>The Council “relies on the local knowledge of local people, ward members and the town and parish council to be its eyes and ears and to follow the process outlined above”.</i>	<i>We are happy to undertake this role on an informal basis, “as part of the process outlined above”</i>	
		<i>Section 16 Paragraph 2</i>	<i>The Council will focus its resources for compliance checking on those cases identified at application stage as being particularly controversial/sensitive in planning terms.</i>	<i>The implication here is that WBC’s resources will be dedicated to high level compliance at application stage, whilst responsibility for low level compliance would therefore effectively be devolved to local people, ward members and the town and parish councils. In WTC’s opinion, this is unacceptable; it is WBC responsibility to provide adequate resources to implement all aspects of its policy in an effective manner.</i>	
	<i>Section 19 Paragraph</i>	<i>Town and parish councils have a</i>	<i>Agreed, but only on an informal</i>		

68		<p>1</p>	<p><i>great deal of local knowledge and awareness of what is happening in their areas and the council encourages that they act as its eyes and ears on the ground.</i></p> <p><i>Town and parish councils can inform the planning enforcement and compliance process.</i></p> <p><i>The Council encourages town and parish councils to engage with officers over planning enforcement issues and could play a helpful role in alerting officers that development has commenced on site. They can also help to monitor development and alleged breaches of planning control. This way the town and parish council can take an active role in the investigation process.</i></p>	<p><i>basis. We would however, take this opportunity to question how WBC intend to deal with issues that arise at weekends, when their enforcement officers are off duty and cannot be contacted.</i></p> <p><i>WTC are happy to <u>inform</u> the process, but it is not our responsibility to implement it. WTC are happy to undertake an informal role of alerting officers to development works. However, we emphasise that it is WBC's formal responsibility to monitor development and alleged breaches of planning control and to undertake any necessary investigation.</i></p> <p><i>WTC do not have the ability, resources or responsibility for carrying out these roles.</i></p>	<p>The level of town and parish council's involvement is a matter for them to agree. The council encourages their involvement in the process if this is required by them.</p> <p>Effective immediate action to address breaches can only really be secured through an injunction issued by the courts that are not open at the weekend. Weekend enforcement cover could not address breaches any more quickly than that provided Monday to Friday only.</p> <p>Noted</p>
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<p>69</p>		<p><i>Section 19 Paragraph 2</i></p>	<p><i>Often the town and parish councils can also help to resolve breaches informally through negotiating on behalf of residents.</i></p> <p><i>It is intended that town and parish involvement should operate on an entirely voluntary basis but even if they do not want to be directly involved in an enforcement case, they are a source of valuable advice about the process and how to report a breach of planning control.</i></p>	<p><i>If approached by residents, WTC are happy to assist them with information about the enforcement and compliance process and to direct them to the appropriate WBC officers for the latter to take appropriate action.</i></p> <p><i>However, WTC do not have the resources or responsibility to negotiate on behalf of residents and, indeed, would not wish to do so, as this is WBC's sole preserve. It is not a matter of WTC opting in or out of wanting to be involved. As we operate on an entirely voluntary and informal basis, we will not be "directly involved in an enforcement case". This paragraph is misleading and should be deleted.</i></p>	<p>Noted see above</p> <p>Noted</p>
<p>Conclusion</p> <p>An informal network of contact already exists between WTC and WBC's enforcement officers, so that when a potential breach of planning control is reported to WTC Councillors or officers by a resident, WBC are immediately alerted so that appropriate action can be taken. This approach of informal contact on an as required basis functions very efficiently and we suggest that it requires no change.</p> <p>WTC are happy to operate on an entirely voluntary basis, to support residents and provide advice to them about the enforcement process, and to act as an informal network of eyes and ears on the ground. However, WTC do not wish our role to be a formal part of the enforcement process and the policy document needs amending to reflect this approach.</p>					

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