

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely, via Microsoft Teams, on 18 January 2022 at 10.00 a.m.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Chris Pearson and Clive Pearson.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

259. Welcome and Introductions

The Chairman welcomed everyone to the meeting and made the following statement:-

You will have seen the statement on the Agenda front sheet about current decision-making arrangements within the Council, following the expiry of the legislation permitting remote committee meetings. I just want to remind everyone, for absolute clarity, that this is an informal meeting of the Committee Members. Any formal decisions required will be taken by the Chief Executive Officer under his emergency delegated decision-making powers after taking into account any the views of the relevant Committee Members and all relevant information. This approach was agreed by full Council at its July meeting following a review, and will be the subject of a further review and consideration at the November meeting of the County Council.

The Chairman advised that apologies for absence had been received from County Councillor Zoe Metcalfe

Members and officers then introduced themselves.

260. Minutes of the meeting held on 16 November 2021

Resolved -

That the Minutes of the meeting held on 16 November 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record at the next available opportunity.

261. Declarations of Interest

There were no declarations of interest.

262. Public Questions or Statements

There were no public questions or statements.

263 Planning Enforcement and Monitoring Policy

Considered -

The report of the Corporate Director, Business and Environmental Services, requesting Members to receive, consider and comment on a proposed draft Planning Enforcement and Monitoring Policy.

The Head of Planning Services presented the Committee report, highlighting the following:-

- The proposed Planning Enforcement & Monitoring Policy would replace the existing Enforcement Charter.
- The proposed Policy explained how enforcement would be carried out by NYCC and for what purposes, providing details in respect of the following :-
 - The Council's Planning Functions
 - Responsibilities
 - Objectives
 - Commitments
 - The Enforcement and monitoring functions
 - Investigating unauthorised development
 - Identifying a breach of planning control
 - Dealing with enquiries and complaints
 - Recording and Acknowledging Complaints
 - Joint Working
 - Time limits for taking enforcement action
 - Approach to enforcement
 - Breaches remedied by negotiation
 - Breaches remedied by a retrospective planning permission
 - Where negotiation fails to resolve the breach
 - Where enforcement action is not expedient
 - Where enforcement action is expedient
 - What action can be taken
 - o Planning Contravention Notice
 - o Breach of Condition Notice
 - o Enforcement Notice
 - o Temporary Stop Notice
 - o Stop Notice
 - o Injunction
 - o What might happen after serving a notice or injunction
 - Compliance
 - Prosecution
 - Direct action
 - Monitoring
 - Dissatisfaction with the service
 - Policy review
- The proposed Policy has been developed in line with the National Planning Policy Framework and the Planning Practice Guidance on 'Enforcement and post-permission matters'
- The draft will be reported to the Transport, Economy and Environment Overview and Scrutiny Committee for information / comments. Subject to any comments received from the Planning and Regulatory Functions Committee and the

Transport, Economy and Environment Overview and Scrutiny Committee, the draft policy will be reported to the Council's Executive Committee for approval and recommendation to County Council for approval and adoption. The adopted Policy will then be published on the Council's website.

- A copy of the draft proposed Policy was provided as an appendix to the report.

Members discussed the proposed Policy, and the following issues and points were highlighted:-

- It was noted that a recruitment exercise was currently coming to a close in terms of employing a Planning Monitoring and Compliance Officer. Members raised concerns that there was only one officer in place to undertake these duties on behalf of NYCC, covering the whole of the County. In response it was noted that Planning Case Officers also provided assistance when and where required in terms of monitoring compliance. A Member suggested that more use should have been made of District Council Planning Enforcement Officers, taking advantage of the knowledge of local areas. In response it was stated that it was likely that this pool of talent would be utilised as North Yorkshire moved forward into being a unitary authority.
- A Member considered that the Policy did not effectively address issues around climate change and carbon reduction. In response it was emphasised that this Policy related to enforcement and focussed entirely on that aspect of the Planning service, other reports would address the issues raised.
- A Member noted that there was no single, on-line register for enforcement issues in North Yorkshire. In response the Head of planning Services stated that on-line enforcement registers were a statutory responsibility of the District Councils, and were, therefore, provided by those authorities. Going forward, as North Yorkshire moved into a new Authority, it was likely that an overarching register would be created for the whole County.
- Clarification was provided as to the process involved in adopting the Policy through the democratic structure of the County Council.
- It was noted that Section 10 of the proposed Policy dealt with the time-frame for enforcement, and specifically set out how and when action could be taken where deliberate concealment had occurred.
- Members suggested that the Policy should be given more weight as a practical tool for enforcement and compliance as the public considered this issue to be a very important aspect of the Planning service.
- A Member suggested that previously enforcement had not been effective enough by NYCC Planning and that more assistance should have been obtained from the District Councils. He also suggested that reference to homes within the proposed Policy was irrelevant as the County Council dealt with minerals and waste.

Resolved:-

- (i) That the Committee's comments regarding the proposed draft Planning Enforcement and Monitoring Policy be taken account of and incorporated into reports on this matter, going forward ; and
- (ii) that, subject to the incorporation of those comments, the draft Planning Enforcement and Monitoring Policy be reported to the Executive for approval and recommendation to County Council for approval and adoption

264 Items dealt with under the Scheme of Delegation – 15 October 2021 to 14 December 2021, inclusive.

Considered –

A report by the Corporate Director, Business and Environmental Services, which listed Items dealt with under the Scheme of Delegation. The Items had been determined during the period 15 October to 14 December 2021, inclusive.

Resolved:-

That the report be noted.

265 Any other business

There being no other business, the Chairman declared the meeting closed

The meeting concluded at 10.26 a.m.

SML