

North Yorkshire Council

Executive

4 November 2025

North Yorkshire Council Local Planning Enforcement Plan

Report of the Corporate Director – Community Development

1.0 PURPOSE OF REPORT

- 1.1 That Executive note the report, provide feedback and endorse the draft Local Planning Enforcement Plan to proceed to consultation with NYC elected members, Parish/Town Councils/Parish Meetings and publication on the Council's website for public engagement and comment.

2.0 SUMMARY

- 2.1 Prior to the formation of North Yorkshire Council, each legacy district/borough Council and the County Council adopted their own Local Planning Enforcement Plan or had similar information available on their websites. North Yorkshire Council now requires its own single Local Planning Enforcement Plan to be formulated and implemented across the whole of North Yorkshire. To be fair and equitable to residents, businesses and customers across the North Yorkshire Council area, a clear, transparent and consistent approach to planning enforcement is required. The Local Planning Enforcement Plan outlines when and how formal enforcement action will be taken. See Appendix A.
- 2.2 The Local Planning Enforcement Plan aligns with the draft General Enforcement Strategy (to be considered at Executive Committee on 4 November 2025). The approach taken in the Local Planning Enforcement Plan follows that in the General Enforcement Strategy and the approach of taking clear, robust action in a timely manner. The Local Enforcement Plan has been drafted with regard to the Local Enforcement Plans of adjoining authorities and the National Parks Local Planning Enforcement Plans to ensure consistency of approach to planning enforcement.
- 2.3 Paragraph 60 of the National Planning Policy Framework (NPPF, 2024) sets out that a Local Planning Authority can produce a Local Enforcement Plan.
- 2.4 It is proposed that the Executive note the report, provide feedback and endorse the draft Local Planning Enforcement Plan to proceed to consultation with NYC elected members, Parish/Town Councils/Parish Meetings and publication on the Council's website for public engagement and comment.

3.0 BACKGROUND

- 3.1 North Yorkshire Council, as a unitary authority, is responsible for the investigation of alleged breaches of planning control.
- 3.2 The Council, as Local Planning Authority have discretion to take formal enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a Local Planning Enforcement Plan.

Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

3.3 The planning system exists to manage development and use of land, in the public interest. The planning system can only achieve its objectives if planning controls are enforced when necessary. The enforcement of planning controls is therefore a fundamental part of the planning system; to respond to development that arises without necessary permission. The system relies on informed decision-making within a statutorily approved framework and policy context in order to maintain public confidence.

3.4 The publication and implementation of a Local Planning Enforcement Plan is important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process.

3.5 The Plan has been prepared having regard to the Planning Acts; Relevant Planning Practice Guidance and Circulars; the Human Rights Act and the Regulation of Investigatory Powers Act and in accordance with the advice contained within the National Planning Policy Framework (NPPF, 2024) which states at paragraph 60 the following:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”

3.6 The proposed plan commits the Council to good enforcement practice, adhering to current legislation, guidance, and codes of practice.

4.0 NORTH YORKSHIRE COUNCIL ENFORCEMENT POLICY

4.1 The Local Planning Enforcement Plan explains how the Council will undertake its role of enforcing planning control and explains how the Council will manage enforcement in a clear, proactive, robust way. The Council adopts a firm but fair approach to the investigation of enforcement matters. The Council will seek to strike a sensible balance between the need for effective control and the need to be reasonable and proportionate in the response to such matters.

It sets out how the Council will:

- i. Respond to alleged breaches of planning control
- ii. Monitor compliance of minerals and waste sites and strategically important planning decisions
- iii. Take action where it is expedient to do so

- 4.2 The purpose of the Plan is to make clear what those in breach of planning control and those reporting it should expect from the Council and how the Council will prioritise and undertake its investigations as well as monitoring of minerals and waste sites and strategically important planning decisions. The plan guides the appropriate response to various breaches of planning control.
- 4.3 The Plan details the informal and formal planning enforcement tools available, their main legislative framework and government guidance, what a breach of planning control is having regard to sections 55 and 171A of the Town and Country Planning Act 1990 is and what permitted development is as set out in Schedule 2 of the Town and Country Planning (General Permitted Development) Order is.
- 4.4 The plan sets out:
- What the Planning Enforcement Team investigates
 - Priorities: In order to manage resources, it is necessary to adopt a priority system for responding to and dealing with alleged breaches of planning control. Complaints regarding breaches of planning control will be investigated in accordance with the order of priority, relating to the degree of harm.
 - The Investigation Service: how customers can make a complaint, confidentiality, recording of complaints and actions taken, communication targets to customers and engagement with members and Town and Parish Councils
 - Monitoring of waste and minerals sites and strategically important planning decisions
 - Time limits for taking enforcement action
 - Appeals against formal enforcement actions
 - Joint internal and external working
 - Monitoring of performance
 - Key principles of good, clear, robust and proactive planning enforcement.

5.0 Key Principles of the Local Planning Enforcement Plan

- 5.1 When an allegation of a breach of planning control is received the Planning Enforcement Team will investigate whether a breach has occurred. The following will be determined:
- What is the alleged breach?
 - Is there evidence of a breach?
 - What planning harm has arisen?
 - What action could be taken to address the breach, which is appropriate, proportionate, necessary and expedient in the public interest?
- 5.2 It may be that the development, although a breach of planning control is not harmful or once advice is given, satisfactory action is taken to remedy it.
- 5.3 If the development is harmful, the Planning Enforcement Team will seek to negotiate an acceptable solution over a set, defined period as required by planning guidance. This is the most reasonable, quickest and cost-effective way of achieving a resolution. If this is not possible formal enforcement action will be taken. The Planning Enforcement team will place a high priority on compliance with planning law.
- 5.4 Planning enforcement powers are discretionary and must be exercised fairly and in the public interest. The response to a breach should be proportionate to the harm it causes. Enforcement action will be pursued in the public interest and where it is expedient to do so.

- 5.5 Formal enforcement action is needed where serious harm, without remedy, is being caused. The degree of harm caused will be considered according to the degree of conformity with planning policy. If there is a trivial breach or the development could be acceptable should a planning application be submitted it may not be expedient to take formal enforcement action.
- 5.6 It may be that a breach of planning control is found to exist, but no harm can be demonstrated, or it is felt planning conditions can make a development acceptable. In this circumstance the reasonable approach is to request a planning application to seek to regularise the breach of planning control, in line with published government guidance. However, if this is not the case then formal enforcement action may be taken.
- 5.7 Planning best practice guidance recommends the submission of retrospective applications. Where it appears that the development meets planning policy, the submission of a retrospective application, within a reasonable time period, may be requested. This enables the merits of development to be considered in an open and transparent manner in the public domain allowing affected neighbours and other interested parties to make representation.
- 5.8 If a planning application is not received within a reasonable time scale, formal enforcement action may be taken where the development cannot be made acceptable in planning terms, or a clear, set, realistic time limit will be set for rectification.
- 5.9 Where negotiations fail and a harmful breach remains, the Council will not allow negotiations to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds or to compel it to stop. In some circumstances immediate action is required where there are significant harmful effects from an unauthorised development. This can be through the serving of a Temporary Stop/Stop Notice and/or the use on an injunction.
- 5.10 The Planning Enforcement Team will be prepared to use all the enforcement powers available and commensurate with the seriousness of the breach if progress is not made, including prosecution, injunction and direct action. Justice must be seen to be done and therefore the planning Enforcement Team will clearly explain the reasons for decisions.
- 5.11 Where the terms of formal enforcement action are not complied with, the Council will require swift compliance. If a suitable time period to resolve the matter is not forthcoming the Council will promptly instigate legal proceedings. Prosecution action does not always resolve breaches of planning control and where it is evident that a breach of planning control is not being resolved the Council will consider carrying out the works to remedy the situation itself. This is known as 'direct action' with the cost of the work reclaimed from the owner or a charge placed on the land so that the Council's costs are recovered when the land is sold. The Council can also commence legal proceedings for unauthorised works without the need to serve any formal Notices, e.g., unauthorised works to a listed building or a protected tree, or an unauthorised advertisement. Such proceedings will be undertaken in such cases, unless works are minor in nature and can be addressed by other means.

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The proposed policy supports the Council plan priority of ensuring the people of North Yorkshire are safe, healthy, and living well through the successful delivery of enforcing planning control.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 Continued reliance upon predecessor planning enforcement policies is not a suitable longer-term position and exposes the Council, and Planning Enforcement Officers, and is an obstacle to successful delivery of a clear, consistent, proactive, customer focused Planning Enforcement function. Therefore, bringing forward a harmonised approach is the appropriate sensible option.

8.0 FINANCIAL IMPLICATIONS

8.1 In a small proportion of cases (known from past experience), resulting from non-compliance with formal enforcement action taken, consideration may be required to be given to undertaking 'Direct Action' or works in default whereby the Council undertake remedial works to remedy the situation itself with the cost of the work reclaimed from the owner or a charge placed on the land so that the Council's costs are recovered when the land is sold.

9.0 LEGAL IMPLICATIONS

9.1 The proposed policy has regard to and is in accordance with the Town and Country Planning Act 1990 and has regard to national and local planning policy.

10.0 EQUALITIES IMPLICATIONS

10.1 An equalities impact assessment screening has been completed and concludes that there is no adverse impact upon protected characteristics arising from the proposed policy. Please see Appendix B.

11.0 CLIMATE CHANGE IMPLICATIONS

11.1 A climate change impact screening assessment has been completed and concludes that there are no adverse impacts arising from the proposed policy. Please see Appendix C.

12.0 RISK MANAGEMENT IMPLICATIONS

12.1 The proposed Plan mitigates risks of non-compliance with relevant legal requirements, policy, government guidance and codes of practice and the furtherance of good practice in the delivery of the Council's planning enforcement function and responsibilities.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The proposed new North Yorkshire Council Local Planning Enforcement Plan sets out a clear, consistent, and robust framework for how the Council will undertake planning enforcement. It aims to ensure that enforcement is carried out in a fair, proportionate, and effective manner, whilst being robust and ensuring that users of the service understand the planning enforcement process and decisions taken.

13.2 The adoption of a Local Planning Enforcement Plan for North Yorkshire is recommended to be undertaken by and in accordance with advice contained within the NPPF and government guidance in order to manage planning enforcement robustly, effectively and proactively in the North Yorkshire area, in a timely manner. The Plan has been prepared with due regard to all relevant legislation, policy, guidance and best practice.

14.0 NEXT STEPS

- 14.1 Comments received during the proposed consultation and engagement will be considered and amendments made to the Plan as appropriate. It is then proposed that the finalised Local Planning Enforcement Plan shall be considered for formal adoption by the Executive Committee in February 2026.

15.0 RECOMMENDATION

- 15.1 That Executive note the report, provide feedback and endorse the draft Local Planning Enforcement Plan to proceed for consultation and engagement with NYC elected members, Parish/Town Councils/Parish Meetings and publication on the Council's website for public engagement and comment.

APPENDICES:

Appendix A – North Yorkshire Council Local Planning Enforcement Plan

Appendix B – Equalities impact assessment screening form

Appendix C – Climate change impact assessment screening form

BACKGROUND DOCUMENTS: Relevant legislation, policy, guidance, codes of practice

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