



BOGNOR REGIS TOWN COUNCIL

TOWN CLERK Glenna Frost, The Town Hall, Clarence Road,

Bognor Regis, West Sussex PO21 1LD

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Dear Sir/Madam,

MEETING OF THE PLANNING AND LICENSING COMMITTEE

I hereby give you Notice that a Meeting of the Planning and Licensing Committee of the Bognor Regis Town Council will be held in **The Council Chamber, The Town Hall, Clarence Road, Bognor Regis** at **6.30pm on TUESDAY 28th JUNE 2022**.

All Members of the Planning and Licensing Committee are **HEREBY SUMMONED** to attend for the purpose of considering and resolving upon the Business to be transacted, as set out hereunder. An opportunity will be afforded to **members of the public** to put **Questions/Statements** to the Committee during an adjournment shortly after the meeting has commenced. (NOTE: Members of the public will be asked to provide their name and are encouraged to put questions/statements in advance, in writing. Priority will be given to written questions/statements and these should be restricted to the functions of this Committee). Any written question received by 9am on Tuesday 28th June from members of the public not able to attend the Meeting in person, will be read by the Chairman during this adjournment.

DATED this 21st day of JUNE 2022

CLERK TO THE COUNCIL

THE AGENDA and BUSINESS to be TRANSACTED is:

1. Chairman's Announcements and Apologies for Absence
2. Declarations of Interest
Members and Officers are invited to make any declarations of Disclosable Pecuniary, Other Registrable and/or Ordinary Interests that they may have in relation to items on this agenda and are reminded that they should re-declare their Interest before consideration of the item or as soon as the Interest becomes apparent and if not previously included on their Register of Interests to notify the Monitoring Officer within 28 days.
Members and Officers should make their declaration by stating:
 - a) the item they have the Interest in
 - b) whether it is a Disclosable Pecuniary, Other Registrable or Ordinary Interest
 - c) the nature of the Interest

- d) if it is an Ordinary Interest whether they intend to leave the room for the discussion and vote
 - e) if it is a Disclosable Pecuniary Interest or Other Registrable Interest, and therefore must leave the room for the discussion and vote, whether they will be exercising their right to speak on this matter under Public Question Time
3. To approve the Minutes of the Planning and Licensing Committee Meeting held on 7th June 2022
 4. Adjournment for public question time and statements
 5. To consider Planning Applications on Lists dated 3rd, 10th and 17th June 2022
 6. To consider Premises Licence Applications including any variations and any other Licence Applications
 7. To receive details of ADC's proposed updates to the Planning Compliance Strategy and to consider and agree any comments to be submitted in response
 8. Correspondence

THERE IS A LIFT AVAILABLE AT THE TOWN HALL FOR ACCESS TO THE COUNCIL CHAMBER IF REQUIRED



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MINUTES OF THE PLANNING AND LICENSING COMMITTEE MEETING

HELD ON TUESDAY 7th JUNE 2022

PRESENT: Cllr. Mrs. J. Warr (Chairman), Cllrs: J. Barrett,
B. Waterhouse and P. Woodall

IN ATTENDANCE: Mrs. J. Davis (Assistant Clerk)

The Meeting opened at 6.32pm

9. CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES FOR ABSENCE

The Chairman welcomed all those present. The Council's opening statement was read, and particular attention was drawn to the evacuation procedure in the event of the fire alarm sounding and the Council's Standing Orders relating to public question time.

Apologies for absence had been received from Cllr. Mrs. Daniells, who was on annual leave, and Cllr. Goodheart who was attending another meeting. Apologies for absence were also received from Cllr. Erskine but no reason was given. Belated apologies for absence were received from Cllr. Stanley who was on annual leave.

No apologies for absence were received from Cllr. Cunard.

10. DECLARATIONS OF INTEREST

The Chairman addressed those Members present to ask if they wished to confirm any declarations of Disclosable Pecuniary, Other Registrable and/or Ordinary Interests that they may have in relation to items on this Agenda.

As noted on the Agenda, Members and Officers should make their declaration by stating:

- a) the item they have the Interest in
- b) whether it is a Disclosable Pecuniary, Other Registrable or Ordinary Interest
- c) the nature of the Interest
- d) if it is an Ordinary Interest whether they intend to temporarily leave the meeting for the discussion and vote
- e) if it is a Disclosable Pecuniary or Other Registrable Interest, and therefore must temporarily leave the meeting for the discussion

and vote, whether they will be exercising their right to speak on this matter under Public Question Time.

They then need to re-declare their Interest and the nature of the Interest at the commencement of the item or when the Interest becomes apparent. They should request that it be recorded in the Minutes that they will leave the meeting and will neither take part in discussion, nor vote on the item.

As per the Agenda, it is each Member's own responsibility to notify the Monitoring Officer of all Disclosable Pecuniary, Other Registrable or Ordinary Interests notifiable under the Council's Code of Conduct, not already recorded on their Register of Interests Form, within 28 days.

The Chairman reminded Members to declare their Interests as any arise or again at the relative point in the meeting if they have already.

There were no declarations of Interest

11. TO APPROVE THE MINUTES OF THE PLANNING AND LICENSING COMMITTEE MEETING HELD ON 17th MAY 2022

The Committee **RESOLVED** to **AGREE** and approve the Minutes of the Meeting held on 17th May 2022 as an accurate record of the proceedings and the Chairman signed them.

12. ADJOURNMENT FOR PUBLIC QUESTION TIME AND STATEMENTS

There were no members of the public seated in the public gallery, therefore, the meeting was not adjourned.

13. TO CONSIDER PLANNING APPLICATIONS ON LISTS DATED 13th, 20th AND 27th MAY 2022

13.1 The Committee noted that there were no views from other Town Councillors to report.

13.2 The Committee noted that no representations had been received from members of the public, or neighbouring parishes, in respect of these applications.

13.3 The Committee, having considered the applications, **RESOLVED** that its representations be forwarded to ADC (Appended to these Minutes as **Appendix 1**).

14. TO CONSIDER PREMISES LICENCE APPLICATIONS INCLUDING ANY VARIATIONS AND ANY OTHER LICENCE APPLICATIONS

14.1 **Licensing Act 2003**
Premises: Sofia Market Ltd, High Street, Bognor Regis, PO21 1RX

Licence Number: 116496

The Committee noted the Licence application received for a New Premises Licence for the supply of alcohol between the hours of 07:00 and 23:00 Monday to Saturday, and from 08:00 until 23:00 on Sunday for consumption off the premises.

Members **RESOLVED** to raise **NO OBJECTION** to the Premises Licence being granted, subject to the satisfaction of the Licensing Authorities.

14.2 Licensing Act 2003

Premises: Coastal Coffee Bognor Ltd, Pier Point House, 1 Waterloo Square, Bognor Regis, PO21 1TA
Licence Number: 116518

The Committee noted the Licence application received for a New Premises Licence for the supply of alcohol between the hours of 09:00 and 23:00 Monday to Sunday for consumption on and off the premises.

Members **RESOLVED** to raise **NO OBJECTION** to the Premises Licence being granted, subject to the satisfaction of the Licensing Authorities.

15. TO RECEIVE DETAILS OF ADC'S UPDATES TO GREEN INFRASTRUCTURE MAPS AND TO CONSIDER AND AGREE ANY COMMENTS TO BE SUBMITTED IN RESPONSE

The Assistant Clerk's report was **NOTED**.

Having considered ADC's proposed updates to the Green Infrastructure Map for Bognor Regis, and having no objection to the updated version, Members **AGREED** to submit no comment in response.

16. CORRESPONDENCE

The Committee **NOTED** receipt of correspondence previously circulated.

The Meeting closed at 7.42pm

APPENDIX 1
PLANNING AND LICENSING COMMITTEE MEETING HELD ON 7th JUNE 2022
REPRESENTATIONS ON PLANNING APPLICATIONS ON LISTS DATED 13th, 20th AND 27th MAY 2022

<p>BR/94/22/HH 38 Bassett Road Bognor Regis PO21 2JH</p>	<p>Roof extension to create 2 additional annex including the installation of 4 x dormers and balcony and alterations to fenestration/openings</p>	<p>OBJECTION The development results in an intensification of use that adversely affects the character of the area which would affect public and neighbouring amenities and would fail to provide an adequate area of amenity space which would demonstrably harm the amenities of future occupants; contrary to Policies H SP4 and QE SP1 of the Arun Local Plan.</p> <p>Furthermore, the proposal would have the appearance of an unduly cramped form of development which is out of character and would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide.</p> <p>The development does not include sufficient residential parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use</p>
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<p><i>BR/94/22/HH (continued)</i> <i>38 Bassett Road</i> <i>Bognor Regis</i> <i>PO21 2JH</i></p>		<p>at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of existing local residents in the area. No evidence has been provided to demonstrate whether or not there is existing spare parking capacity in the surrounding area. The proposal is therefore in conflict with Arun Local Plan policy T SP1, the Councils Parking Standards supplementary planning document (January 2020) and the NPPF.</p> <p>Members of the Town Council's Planning and Licensing Committee would respectfully encourage those involved with the final decision on this application to attend a site-visit with a view to gaining a personal insight into the already excessive demands on parking in the area.</p>
<p><u>BR/104/22/HH</u> <u>37 Murina Avenue</u> Bognor Regis PO21 2DB</p>	<p>Single storey flat roof side and rear extension</p>	<p>NO OBJECTION</p>

<p>BR/99/22/HH 21 Shelley Road Bognor Regis PO21 2SL</p>	<p>Roof extension and conversion of loft to habitable use including the installation of 1 x rear dormer and rooflights</p>	<p>NO OBJECTION</p>
<p>BR/102/22/PL 98-100 Chichester Road Bognor Regis PO21 5AA</p>	<p>Variation of condition imposed under BR/315/19/PL relating to condition 2-plans condition</p>	<p>NO OBJECTION</p>
<p>BR/108/22/CLE 9 Annandale Avenue Bognor Regis PO21 2ES</p>	<p>Lawful development certificate for an existing 10 person HMO (sui generis)</p>	<p>NO OBJECTION</p>
<p>BR/91/22/PL 32 Richmond Avenue Bognor Regis PO21 2YE</p>	<p>Changing a current HMO from 6 persons to 9 persons</p>	<p>NO OBJECTION</p>
<p>BR/63/22/PL Salisbury House The Steyne Bognor Regis PO21 1TX</p>	<p>Change of use of 5 No self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 No further flats from HMO rooms, garage and office, repairs and decoration of external surfaces, minor alterations to elevation facing Sadler Street, change one window facing rear courtyard to French doors & apply obscure film to 2 windows in courtyard area. This application affects the setting of listed buildings, affects the character & appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats</p>	<p>OBJECTION Members object to this application, on the grounds that parking requirement has increased considerably in The Steyne, which has led to amenity issues deriving from parking demands in this already congested and narrow street. Adding additional flats would result in the generation of further excessive parking demands, inevitably causing complications for access for emergency service vehicles and harming public amenity in this</p>

<p><i>BR/63/22/PL (continued)</i> <i>Salisbury House</i> <i>The Steyne</i> <i>Bognor Regis</i> <i>PO21 1TX</i></p>		<p>important heritage area of the Town; this would be contrary to Policies H SP4 and QE SP1 of the Arun Local Plan. Members also felt this would be an overdevelopment of the site.</p>
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**PLANNING APPLICATIONS TO BE CONSIDERED AT THE MEETING OF THE
 PLANNING AND LICENSING COMMITTEE TO BE HELD ON 28th JUNE 2022
 (AS ADVERTISED BY ARUN DISTRICT COUNCIL ON LISTS DATED 3rd, 10th AND 17th JUNE 2022)**

<p><u>BR/114/22/HH</u> <u>5 Highland Avenue</u> Bognor Regis PO21 2BJ</p>	<p>Erection of single storey rear extension following the demolition of existing rear lean-to</p>	<p><i>Comment by 30-JUN-22</i></p>
<p><u>BR/118/22/HH</u> <u>26 Westway</u> Bognor Regis PO22 8BZ</p>	<p>Erection of side/rear extension following demolition of existing side garage and rear extension and removal of chimney.</p>	<p><i>Comment by 30-JUN-22</i></p>
<p><u>BR/123/22/HH</u> <u>5 Arnhem Road</u> Bognor Regis PO21 5LB</p>	<p>Erection of single storey rear extension following demolition of existing rear outbuilding and shed</p>	<p><i>Comment by 30-JUN-22</i></p>
<p><u>BR/117/22/HH</u> <u>82 Victoria Drive</u> Bognor Regis PO21 2TA</p>	<p>Erection of part first floor extension over existing ground floor including part two storey element to rear with Juliette balcony to front elevation, widening of drop kerb and replacement boundary wall.</p>	<p><i>Comment by 07-JUL-22</i></p>
<p><u>BR/133/22/HH</u> <u>48 Victoria Drive</u> Bognor Regis PO21 2TF</p>	<p>Removal of rear lean to projection and erection of a single storey rear extension.</p>	<p><i>Comment by 14-JUL-22</i></p>

**BOGNOR REGIS TOWN COUNCIL
PLANNING AND LICENSING COMMITTEE MEETING
28th JUNE 2022**

AGENDA ITEM 7 – TO RECEIVE DETAILS OF ADC’S PROPOSED UPDATES TO THE PLANNING COMPLIANCE STRATEGY AND TO CONSIDER AND AGREE ANY COMMENTS TO BE SUBMITTED IN RESPONSE

REPORT BY THE ASSISTANT CLERK

FOR DECISION

ADC last amended its Compliance Strategy in 2019. To better manage the available resources and the significant number of reported alleged breaches of planning control the strategy is proposed to be amended as per the attached document (**Appendix 1**).

The purpose is to streamline the strategy so that only those breaches that are seen to be harmful are given priority.

The views of Parish and Town Councils are being sought, after which they will be presented to ADC’s Planning Committee for a formal resolution to be agreed.

The deadline to respond to ADC with any comments is 8th July 2022.

DECISION

Members are invited to consider and **AGREE** any comments to be submitted to Arun District Council in response to the proposed updates to the Planning Compliance Strategy.



PLANNING COMPLIANCE STRATEGY

May 2022

1. Introduction

Arun District Council are committed to providing an efficient, effective, and fit for purpose planning compliance service. This Compliance Strategy will explain how the service will be delivered and the extent of powers available to the Local Planning Authority in relation to breaches of planning control. This document replaces the Planning Compliance Strategy published in 2019.

2. The purpose of planning enforcement

Planning laws and policies are designed to control development and use of land and buildings in the public interest. They cannot be used to protect the private interests of one person against the activities of another. The relevant legislation to these powers is contained primarily within the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Building and Conservation Area) Act 1990. This legislation is supported by Government advice, including the National Planning Policy Framework (NPPF)¹ and the National Planning Practice Guidance (NPPG)².

3. The Compliance Strategy comprises

- Planning enforcement objectives
- Key principles
- General principles
- What is a breach of planning control?
- Reporting a breach
- Freedom of Information
- Case priority
- Investigating a breach of planning control
- Possible outcomes of the Council's planning investigation
- Monitoring of development for compliance
- Appendix 1 - Types of formal enforcement action

4. Planning enforcement objectives

Arun District Council recognises the importance of planning compliance to maintain the quality of the environment. The Council has established the following objectives: -

- To remedy **significant** harm caused by unauthorised development.
- Enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control and take action where appropriate.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

² <http://planningguidance.planningportal.gov.uk/>

- Where resources allow; be pro-active in regard to the monitoring of large-scale strategic development to ensure compliance with conditions imposed on planning permissions.
- Where a report refers to matters not controlled under planning legislation but is capable of being pursued by the Council the complaint will be passed to the relevant department for further investigation. Where a report refers to matters not controlled by the Local Authority complainants will be advised accordingly.

5. Key principles

The key principles are:

Transparency

- We will provide information in plain language to complainants and offenders.
- Be transparent in our actions (some information, such as the name of the complainant and any information which could be used to identify the complainant, will remain confidential unless required for court or appeal proceedings).

Helpfulness

- Officers will clearly identify themselves by name when on site and provide contact details to enable further communication and act in accordance with the Town and Country Planning Act governing access to land and buildings.
- Interested parties (including complainants) will be updated when sufficient progress has been made on an investigation.

Consistency

- Action against breaches of planning control will be proportionate to the impact of the breach.
- All duties undertaken will be carried out in a manner which is fair, equitable, and consistent.

6. General Principles

The general principles which govern the operation of planning compliance are: -

- The Council will not take enforcement action to resolve all breaches of planning control.
- The use of enforcement powers is discretionary and carrying out development without planning permission, although unauthorised, is **not** illegal. It becomes a potential criminal offence if any subsequent formal notice (e.g., Enforcement

Notice) has not been complied with which then can be subject to a formal prosecution to the Courts.

- There are a number of powers available to address breaches of planning control and the Council will apply those most appropriate to the circumstances of each case.
- Anonymous complaints will not be investigated.
- The Council will seek to resolve breaches of planning control through negotiation in the first instance unless the breach is causing irrevocable harm requiring immediate action. Formal action will only be used if informal attempts to resolve the breach have failed.
- Where development taking place is unlawful (for example, where a developer has not discharged the required planning approval conditions before commencing development) the Council may use Temporary Stop Notices that will require development to stop until such time as all the required conditions are discharged and complied with.
- Where appropriate, reasonable time will be given for compliance in order to achieve resolution of the breach via an application.
- Applications submitted in an attempt to regularise unauthorised development may be determined by the Council.
- Action should be proportionate to the harm caused and should take into account relevant circumstances. The Council will consider if it is expedient or in the public interest to undertake enforcement action to resolve breaches of planning control.
- A Temporary Stop Notice will not be issued where there is a Discharge of Condition application awaiting determination that relates to breach.

7. What is a breach of planning control?

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 (as amended)³ as the carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted. Similarly, any contravention of the limitations, or conditions belonging to, permitted development, rights, under the Town and Country (General Permitted Development) (England) Order 2015⁴, constitutes a breach of planning control against which enforcement action may be taken⁵.

Below are examples of what does and does not constitute a breach of planning control:

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Breach of planning control	Not a breach of planning control
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³ <http://www.legislation.gov.uk/ukpga/1990/8/section/171A>

⁴ <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

⁵ Paragraph: 001, Reference ID: 17b-001-20140306, National Planning Practice Guidance⁶
<http://www.legislation.gov.uk/ukpga/1990/8/section/171D>

<ul style="list-style-type: none"> ü Breaches of conditions attached to planning permissions ü Not building in accordance with the approved plans of a planning permission ü Unauthorised material change of use of land or buildings ü Unauthorised works to a Listed Building ü Unauthorised advertisements ü Unauthorised works to trees the subject of a tree preservation order (TPO) or in a Conservation Area ü Unauthorised demolition within Conservation Areas ü Engineering operations, such as raising of ground levels or the creation of earth bunds ü Unauthorised stationing of a caravan or mobile home for use as an independent dwelling ü Land or buildings in such poor condition that they adversely affect the amenity of an area 	<ul style="list-style-type: none"> û Any works which are deemed to benefit from 'permitted development' under the Town and Country (General Permitted Development) (England) Order 2015 û Running a business from home where the residential use remains the primary use of the dwelling û Felling of a tree not within a Conservation Area or protected by a Tree Preservation Order û Land ownership or boundary disputes or trespass issues e.g., scaffolding erected on neighbouring property (these are private matters) û Dangerous structures or health and safety issues – these should be directed to the Council Building Control Department (number) û Internal works to a non-listed building û Obstruction of a highway (Contact West Sussex County Council), public right of way or a private right of way û Parking of private and commercial vehicles on the highway or on grass verges û Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property û Covenants imposed on property deeds (these are private matters) û Advertisements that are either excepted from deemed or express consent under the Town and Country (Control of Advertisements) (England) Regulations 2007 û Damage caused to neighbouring properties during construction work (this is a private matter) û Anti-social behaviour
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Minor Breaches of planning control that may not be investigated (not an exhaustive list)

- Fences and outbuildings 10cm higher than allowed under permitted development rights
- Fences that are not harmful to amenity
- Untidy land unless significantly detrimental to amenity
- Where reports of breaches relate to works that do not require planning permission

Where cases of a minor breach are reported, minimal investigations will take place and the most likely outcome is that they are closed due to the limited and acceptable planning harm that they cause.

When/if minor breach reports are received case officers will send an appropriately worded email to say that these complaints will not be registered and proceed to close them.

8. Reporting a breach

In most cases, complaints from members of the public, Councillors and other depts. can only be made and will only be accepted via the online form. Emails and telephone calls may be accepted for priority 1 cases only.

Online Complaint Report Form: [Report a breach of planning regulations | Arun District Council](#)

Email: planning@arun.gov.uk

Tel: 01903 737500

The reported breach must include (*as a minimum*):

- An accurate description of the location or address for the site.
- A detailed description of the activities/development taking place that causes concern.
- Why the complainant believes there is a breach.
- The harm being caused and/or how it affects the complainant.
- Attached photo (subject to changes to the website/form).
- Estimated or real measurements.
- Names, address and phone numbers (if known) of those responsible for the alleged breach or the landowner.
- The date and times of when the alleged breach took place including when it first started.
- Other information or evidence that may be of assistance e.g., planning application number, previous planning problems/breaches, or additional evidence relating to the breach.
- Your name, address, phone number and e-mail address.
- If the site is large the precise location of the potential breach within that site.

Failure to supply all the above information may result in your report being returned without investigation.

Once the allegation has been investigated and it is established a breach of planning control has taken place, formal enforcement action **may** be taken if considered expedient to do so. Assessment of the extent of harm caused would not include the following (not exhaustive):

- ⊘ Loss of property value
- ⊘ Competition to another business
- ⊘ Loss of an individual's view or trespass onto someone else's land
- ⊘ Party Wall infringement
- ⊘ Local/property bylaw infringement

9. Requests made under the Freedom of Information Act 2000 and Environmental Information Regulation 2004

Where the Council receive requests for information on enforcement investigations under either the Freedom of Information Act 2000 or the Environmental Information Regulation 2004, information will be released subject to compliance with General Data Protection Regulation.

10. Case priority

Priority 1	Priority 2	Priority 3	Priority 4
Direct and potentially irreversible harm	Potential to escalate and cause serious harm to the environment Contentious	Loss of amenity Other breaches likely to remain stable	Minor breaches Private disputes Other issues not stated below.
Site visit within 1 working day	Site visit within 15 working days	Site visit within 20 working days	Desktop Assessment These will be dealt with without formal registration.
Examples	Examples	Examples	Examples
Unauthorised works to protected tree/s or tree/s in a Conservation area	Unauthorised change of use of land and/or building	Unauthorised outbuildings/ Extensions	Boundary treatment

Unauthorised works to listed building	Unauthorised building	Untidy site	Telecommunications
Condition monitoring (contaminated land + piling only)	Condition monitoring (minus contaminated land + piling)	Deviation from approved plans (new application required, minor variation or de minimis)	General enquiries
Demolition of a building essential to retain	Business from home (high activity levels)	Advertisement control (visual amenity)	Advertisement control (for sale / to let boards)
Breach of condition (serious harm to amenity & ecology)	Advertisement control (highway safety)	Business from Home (initial investigations)	House in multiple occupation
Deviation from approved plans (irreversible harm)	Caravans & development related to travellers	Breach of condition (all other alleged breaches)	Flag poles
			Satellite dishes
			Works likely to be permitted development
			AirBnB's / Holiday lets
			Porches

11. Investigating a breach of planning control

An enforcement investigation can be lengthy and complex, and the time taken to determine each case will vary.

On receipt of an alleged breach the Council aims to:

- Register and acknowledge your complaint within 5 working days
- Carry out the initial site visit:
 - **Priority 1** cases within 1 working day
 - **Priority 2** cases within 15 working days
 - **Priority 3** cases within 20 working days
 - **Priority 4** cases will involve a desktop assessment and a site visit may not be required.
- Provide an update to the complainant at key stages in the investigation and when **significant progress** has been made
- Advise the person reporting and site owner/occupier of the outcome of the investigation and any further action required:
 - **Priority 1** cases within 30 working days
 - **Priority 2, 3 & 4** cases within 90 working days

The council have set performance monitoring targets to carry out initial site visits in accordance with the time specified for that priority (above) in 75% of cases. Further performance monitoring targets have been set for concluding investigations (excluding formal enforcement action and allowing time for an identified breach to be resolved informally or via a retrospective planning application) of 30 days for Priority 1 cases and 90 working days for Priority 2, 3 & 4 cases 80% of the time.

Reasonable time must be given for compliance with an Enforcement Notice and if this is challenged at appeal, then the Council would be subject to timescales imposed by the Planning Inspectorate or the Courts. As a result of long compliance periods there may be limited progress with which to update interested parties. In such cases interested parties are welcome to contact the investigating officer to check progress.

12. Possible outcomes of the Council's planning investigations

In most cases, a breach of planning control is identified, and no action is taken. In cases where a breach is identified, in accordance with Government guidance the Council will seek to secure a negotiated solution unless there is substantive unresolvable harm that requires immediate action. Adequate time must be allowed for compliance to be achieved.

The table below shows potential outcomes for investigations.

Outcome of the investigation	Action taken
No breach – No development has taken place; the development is permitted by The Town and Country (General Permitted Development) Order 2015; or	The case will be closed, and no further enforcement action taken. The complainant will be informed of the closure and the reason for this.

is not within the control of planning legislation.	
Breach identified but action not expedient – e.g., the development is marginally larger than permitted development limitations and does not result in unacceptable harm. In such cases it would not normally be expedient to pursue formal action.	A retrospective application may be invited to regularise the development, or a delegated report prepared seeking authorisation for the case to be closed and no further action taken.
Development is immune from action – The development or use has been in existence for a period of time which makes it exempt from enforcement action.	Where the case is not priority 4 a report will not be prepared and the case closed.
Breach ceased (negotiation) – In line with the National Planning Practice Guidance, the breach has ceased following negotiation.	An application may have been invited; appropriate time given for the removal of the structure or cessation of the use; or alterations made to the development to resolve the case.
Formal Action – The development causes unacceptable harm and amendments cannot be made to resolve the harmful impacts of the development or use.	Formal action will take place. This is a lengthy process if negotiated solutions cannot be achieved. Adequate timescales for compliance with formal action must be provided by the Council. A Temporary Stop Notice <u>will not</u> be issued where there is a current and undecided discharge of condition application.

13. Monitoring of development for compliance

The Local Planning Authority (LPA) will seek, where resources allow, to pro-actively monitor large-scale development to ensure compliance with planning approvals. Due to the number of planning permissions granted each year it is not possible to monitor all development. The LPA will continue to rely upon the knowledge of local people, Ward members and Town and Parish councils to identify matters of non-compliance.

Appendix 1 - Types of formal enforcement action

If negotiation cannot secure a resolution to the case the Council will consider use of discretionary powers to take enforcement action. The nature of the breach will dictate what action will be most appropriate. The tools available include:

Enforcement tool	Definition
<p>Planning Contravention Notice and requests for information</p>	<p>In order to confirm the existence or nature of a breach, a Planning Contravention Notice (PCN) may be served under S171C of The Town and Country Planning Act 1990 (as amended). As well as clarifying the details in relation to a suspect breach, the PCN serves as a statement of intent of enforcement action by the LPA, formally demonstrating that it takes the matter seriously. The PCN offers the contravener an opportunity to meet officers to agree a plan for remedial measures. Failure to respond within time or not at all, or replying with false or misleading information, constitutes a criminal offence under Section 171D of the Town and Country Planning Act 1990 (as amended)⁶ and may lead to a penalty of up to a maximum of £5,000⁷.</p> <p>A notice under s.16 of The Local Government (Miscellaneous Provisions) Act 1976 or s.330 of The Town and Country Planning Act 1990 (as amended) can be issued with respect to specific matters only (for example; names, addresses and nature of interest; and use of a premises, dates and names, addresses and interests of users respectively). Land Registry searches into ownership of land can be undertaken.</p>
<p>Enforcement Notice</p>	<p>An enforcement notice can be served under Section 172 of the Town and Country Planning Act 1990 (as amended)⁸ and is the principle tool to remedy a breach of planning control. It imposes a legal duty on those with an interest in the land to affect measures specified in the notice within a specified period of time (no less than 28 days). Recipients may appeal to the Planning Inspectorate, during which time the notice is held in abeyance until the appeals determination.</p> <p>Enforcement Notices are entered in the Land Charges Register and Planning Enforcement Register and run with the land, remaining effective in perpetuity, even once complied with. Non-compliance constitutes a criminal offence for which recipients may be prosecuted and if found guilty are liable to a fine up to £20,000</p>

⁶ <http://www.legislation.gov.uk/ukpga/1990/8/section/171D>

⁷ <http://www.legislation.gov.uk/ukpga/1982/48/part/III/crossheading/introduction-of-standard-scale-of-fines>⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/172>

⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/172>

	<p>together with costs and a criminal record or an unlimited fine on indictment⁹.</p> <p>Section 171B¹⁰ of the Town and Country Planning Act (1990) as amended sets time limits within which the LPA can take planning enforcement action these are:-</p> <ul style="list-style-type: none"> · Four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed. · Four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken. · Ten years for all other development. The ten year period runs from the date the breach of planning control was committed. <p>However, where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action has expired. In such cases an enforcement order can be obtained which would enable the LPA to take action in relation to an apparent breach of planning control notwithstanding that time limits may have expired¹¹.</p>
<p>Listed Building Enforcement Notice</p>	<p>This is the equivalent notice available under Listed Building legislation¹². Works to a Listed Building do not benefit from the time limits for enforcement action imposed by The Planning and Compensation Act 1991. Therefore, this notice may be issued at any time.</p> <p>The same penalties apply to non-compliance with a Listed Building Enforcement Notice as to an Enforcement Notice. Any person who executes or causes work to be executed for the demolition of a Listed Building or for its alteration or extension in any manner will be guilty of an offence under s. 9 of the Planning (Listed Building and Conservation Areas) act 1990 (as amended) and if found guilty of an offence shall be liable</p>

⁹ <http://www.legislation.gov.uk/ukpga/1990/8/section/179>

¹⁰ <http://www.legislation.gov.uk/ukpga/1990/8/section/171B>

¹¹ Paragraph 024, Reference ID:17b-024-20140306, National Planning Practice Guidance

¹² <http://www.legislation.gov.uk/ukpga/1990/9/part/I/chapter/IV>

	on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both; or on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both ¹³ .
Breach of Condition Notice	This remedy is available in the event of non-compliance with a condition on a planning permission. There is no right of appeal and the penalty for non-compliance is a fine up to £2,500 ¹⁴ .
Stop Notice	In the most serious of cases the LPA may decide to issue a Stop Notice. Such notices can only be served in conjunction with an Enforcement Notice. They can require cessation of unauthorised activities where they cause severe harm to local amenity. The duty to comply is universal and not limited to recipients of the notice. The improper use of a Stop Notice may result in the LPA being liable for compensating owners and/or occupiers for losses directly attributed to the service of the notice. The fine for breaching a Stop Notice is currently £20,000 with an unlimited fine on indictment ¹⁵ .
Temporary Stop Notice	It is effective immediately and does not require the prior service of an Enforcement Notice. They last for a maximum of 28 days and cannot be renewed unless an Enforcement Notice is served. The fine for a breach a Temporary Stop Notice is the same as for a Stop Notice.
Court Injunction	This may be sought in the most serious of cases to restrain anticipated breaches as well as prevent actual breaches. Non-compliance is considered to be in contempt of Court and may result in a fine and/or imprisonment.
Untidy Land (s.215) Notice	Notices under s.215 of The Town and Country Planning Act 1990 (as amended) can encompass buildings as well as land. The LPA need only show that amenity is adversely affected by the state of the premises. Appeals are to the Magistrates' Court and non-compliance is a criminal offence for which recipients may be prosecuted and are liable to a fine of up to £1,000 ¹⁶ .
Advertisements	Advertisements, other than those exempt under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ¹⁷ , require consent. Any person who displays an advertisement in contravention of the Regulations is guilty of an offence under s. 224 (3) of The Town and Country Planning Act 1990 (as

¹³ <http://www.legislation.gov.uk/ukpga/1990/9/section/9>

¹⁴ <http://www.legislation.gov.uk/ukpga/1990/8/section/187A>

¹⁵ <http://www.legislation.gov.uk/ukpga/1990/8/section/187>

¹⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11491/319798.pdf

¹⁷ <http://www.legislation.gov.uk/uksi/2007/783/contents/made>

	<p>amended) and would be liable to a fine upon conviction of up to £2,500¹⁸.</p> <p>A Discontinuance Notice can be served in respect of adverts that have deemed consent; this is the relevant power where the LPA consider that an advertisement is not appropriate or dangerous. The notice cannot take effect less than 8 weeks after service and the notice carries a right of appeal¹⁹.</p>
Prosecution	<p>Prosecution is one of the remedies available in respect of a breach of any of the notices listed above (excluding Court Injunctions) and this action will be taken where there is sufficient evidence and it is in the public interest in accordance with the Code for Crown Prosecutors²⁰.</p> <p>If found guilty of the offence the Defendant may incur the costs of the LPA in bringing the prosecution; any resultant fines imposed; any costs incurred themselves directly in seeking legal representation; and have a resultant criminal record.</p>
The Proceeds of Crime Act 2002 ²¹ (POCA)	<p>The Act provides for the confiscation or civil recovery of proceeds of crime. POCA deals with a wide range of matters relevant to planning. Including confiscation orders against convicted individuals (requiring payment to the State based upon the benefit obtained from their crimes) and civil recovery of proceeds of crime from unconvicted individuals. Where a prosecution concerns offending conduct falling within the relevant tests under the Proceeds of Crime Act 2002, the Council will consider seeking a confiscation order to remove the benefit obtained from such criminal conduct. This sends a clear message 'that crime does not pay'.</p>
The Powers of Entry	<p>The Powers of Entry the LPA has to investigate potential breaches of planning control are;</p> <ul style="list-style-type: none"> · S. 196A, s. 196B (Power of Entry following issue of a warrant) and s. 196C (supplemental provisions relating to Power of Entry) of The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004). · S. 214B, 214C (Power of Entry following issue of a warrant) and s. 214D (supplemental provisions relating to Power of Entry). · S. 225 of the Town and Country Planning Act 1990 (only entitles access to buildings which have public access).

¹⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/224>

¹⁹ <http://www.legislation.gov.uk/uksi/2007/783/regulation/8/made>

²⁰ https://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

²¹ <http://www.legislation.gov.uk/ukpga/2002/29/contents>

	<ul style="list-style-type: none"> · S. 324 and 352 (supplemental provisions relating to Power of Entry) pursuant to the Town and Country Planning Act 1990. · S. 36 and 36A (Power of Entry following issue of a warrant) of the Planning (Hazardous) Substances Act 1990. · S. 88 of the Planning (Listed Building and Conservation Areas) Act 1990. · S. 24 of The Local Government (Miscellaneous Provisions) Act 1976. · S. 33 of The Local Government (Miscellaneous Provisions) Act 1982.
Direct Action	Direct Action involves the Council undertaking the work specified in the notices.

**BOGNOR REGIS TOWN COUNCIL
PLANNING AND LICENSING COMMITTEE MEETING
28th JUNE 2022**

AGENDA ITEM 8 - CORRESPONDENCE

REPORT BY THE ASSISTANT CLERK

FOR INFORMATION

1. Aldingbourne Footpaths and Country Park Action Group – June Newsletter.
2. WSALC - Link to Government response to the Levelling Up, Housing and Communities Select Committee report on The Future of the Planning System in England.
3. ADC - Travellers on Horsemere Green Lane, Clymping, 13th June 2022.
4. ADC – Notification that planning application BR/85/22/PL (Public Conveniences, Bedford Street, Bognor Regis) is expected to be determined by ADC's Planning Committee at a meeting to be held on 22nd June 2022.
5. ADC – Notification that planning application BR/70/22/OUT (26 Burnham Avenue, Bognor Regis) is expected to be determined by ADC's Planning Committee at a meeting to be held on 22nd June 2022.