

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 7 Oct 2015

WARD: All

PLANNING ENFORCEMENT REPORT ON SCHEME OF DELEGATIONS

SUMMARY	<p>Cambridge City Council Constitution sets out the delegations to the Director of Environment in respect of planning and development control.</p> <p>Section A4 of the Constitution confers delegated authority to the Head of Legal Services to serve planning enforcement notices to remedy breaches of planning control following the refusal of retrospective planning permission.</p> <p>The current Constitution incorrectly refers to the service of notices under Section 171 of the Town and Country Planning Act 1990, the section of the act that refers to the service of notices is 172.</p>
RECOMMENDATION	<p>That members authorise a change in the wording of section A4 of the Constitution so that it reads:</p> <p>‘To serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission (subject to prior consultation with the Head of Legal Services).</p>

1 INTRODUCTION

- 1.1 The Council’s Constitution sets out the scheme of delegations in respect of planning and development control. Section A4 of the Constitution confers delegated authority to the Head of Legal Services to serve planning enforcement notices to remedy breaches of planning control following the refusal of retrospective planning permission.

- 1.2 The constitution incorrectly refers to serving enforcement notices under Section 171 of the Town and Country Planning Act 1990.
- 1.3 Section 172 of the Town and Country Planning Act 1990 actually relates to the issue of enforcement notices, it provides:
- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
- (a) that there has been a breach of planning control; and .
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—
- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3)The service of the notice shall take place—
- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.
- 1.4 The current Constitution incorrectly refers to Section 171 of the Act and therefore it needs amending to confer the correct delegation to officers to serve notices in cases where a retrospective planning application has been refused.

2 RECOMMENDATION

- 2.1 That members authorise a change in the wording of section A4 of the Constitution so that it reads:

‘To serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission (subject to prior consultation with the Head of Legal Services).

BACKGROUND PAPER: Cambridge City Council’s Constitution.

The contact officer for queries on the report is Debs Jeakins tel 457163.

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