

**REPORT TO THE PLANNING COMMITTEE MEETING OF
5 July 2016**

Status: For information
Title: Planning Enforcement Update Report
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Where from: n/a
Where to next: For information only

1 Purpose Report

1.1 This report on planning enforcement performance advises the Committee on the work of the planning enforcement service for the period January 2016 to March 2016.

2 **Recommendation:**

2.1 **That the Committee notes the information contained in the report.**

3 Summary of Reasons for the Recommendation

3.1 To ensure that Committee are kept updated on the performance of the Council's planning enforcement service.

4 Impact on Communities

4.1 Enforcement is referred to in paragraph 207 of the National Planning Policy Framework (NPPF) 2012. The discretionary and proportionate nature of enforcement is stressed and states that; *"Effective enforcement is important as a means of maintaining 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"*.

5 Key Facts

5.1 Performance Targets

5.2 All complaints and enquiries received by the Planning Enforcement Service are categorised as one of the following:

1. *Top Priority Cases* - where works are being carried out which will cause irreparable harm / damage.

2. *High Priority Cases* - where works or uses are causing a significant and continued harm to amenity, time sensitive breaches or development that compromise safety.
3. *Standard Priority Cases* – new structures or changes of use having limited degree of disturbance to local residents or damage to the environment and which do fall within the foregoing priority groups.

5.3 In order to assess whether the planning enforcement service is meeting its targets it is assessed monthly against local performance targets which include 4 main indicators. These are set out in Table 1 below:

Table 1 - Performance indicators

Indicator	Target
% of Planning Enforcement Notices served within 28 days of instruction during 2015/16 (RS01)	100%
% of Planning Enforcement Cases closed within 8 week of registration where no formal action is deemed necessary or appropriate (RSTPI03)	80%
% of Cases responded to within target date set out in Planning Enforcement Protocol Top priority cases – 1 working day High priority cases – 5 working days Standard priority cases – 10 working days (RSTPI04)	90%
% of Complainants updated on progress of planning enforcement investigations within 20 days of receipt of complaint (new indicator)(RSTPI11)	90%

5.4 A summary of the planning enforcement service data collated for the period January 2016 to March 2016 (Quarter 4) is set out in Table 2 below. The data shows that the service met its targets in this quarter.

Table 2 - Performance January 2016 – March 2016 (Quarter 4)

Indicator	Quarter 4
% of Planning Enforcement Notices served within 28 days of instruction during 2015/16 (100%)	83.3%
% of Planning Enforcement Cases closed within 8 week of registration where no formal action is deemed necessary or appropriate (80%)	81.6%
% of Cases responded to within target date set out in Planning Enforcement Protocol (90%)	99%
% of Complainants updated on progress of planning enforcement investigations within 20 days of receipt of complaint (new indicator) 90%	91.9%

5.5 For comparison, the previous quarters (1, 2 and 3) data for April 2015 to December 2015 is set out in Table 3 below.

Table 3 Performance data Quarters 1, 2 and 3

Indicator	Quarter 1	Quarter 2	Quarter 3
% Enforcement Notices served within 28 days of instruction (100%)	No notices served in this period	100%	100%
% Planning enforcement cases closed within 8 weeks of registration where no formal action is deemed necessary or appropriate (80%)	74.1%	82.7%	80.4%
% Cases responded to within target date set out in Planning Enforcement Protocol (90%)	94.83%	95.6%	99.3%
% of Complainants updated on progress of planning enforcement investigations within 20 days of receipt of complaint (new indicator) 90%	92.3%	93%	92.2%

5.6 Planning Enforcement Statistics

5.7 Table 4, below is a summary of enforcement statistics for Quarter 1, 2, 3 and 4, 15/16.

Table 4: Enforcement Statistics by Quarter 15/16

Months/Year	No. of new cases opened	No. of cases closed	No. of cases pending consideration older than 1 year	No. of cases pending consideration older than 6 months
April 2015 – Sept 2015				
Quarter 1	108	88	6	14
Quarter 2	116	128	5 (received between 11/02/2014 – 09/09/2014)	12
Quarter 3	95	106	9 (received between 11/02/2014 – 18/11/2014)	21
Quarter 4	100	99	7	6

It should be noted that some cases > 6 months and > 1 year are held in abeyance due to the necessity for scheduled monitoring; the submission of retrospective planning applications or are in the initial stages of formal action being taken by the service of an enforcement notice.

- 5.8 The figures show that in the last quarter, the number of open cases > 6 months and > 1 year has decreased, due to reasons specified above. The number of new cases opened and closed is fairly consistent with the previous quarters. In summary, the figures indicate that the planning enforcement service is meeting demands for its service.
- 5.9 The types of breaches investigated during Quarters 1, 2, 3 and 4 is summarised in Table 5 below:

Table 5: Types of breaches investigated

Breach type	Quarter 1 Apr 2015 – June 2015	Quarter 2 July 2015 – Sept 2015	Quarter 3 Oct 2015 – Dec 2015	Quarter 4 Jan 2016 – March 2016
Advert	5	8	15	14
Condition non compliance	26	30	24	24
Change of use	17	23	13	17
Unauthorised Development	40	37	32	23
Hedge removal	1	0	2	1
Unauthorised works to trees	6	5	3	5
Untidy Land	11	9	6	15
Works in a Conservation Area	2	4	0	1

- 5.10 An overview of current high profile enforcement cases is attached at Appendix 1 of this report, (exempt and not available in public copies of this agenda). It should be noted that the casework summarised in the overview is supported by further extensive background work, much of which is confidential due to its nature as part of current enforcement investigations.

5.11 Notices Served

- 5.12 During the period January 2016 to March 2016, 3 notices were served:

215 Notices (untidy land) = 1
 Planning Enforcement Notice = 2

5.13 Appeals

5.14 During the period January 2016 to March 2016, there have been 2 enforcement appeals lodged.

- Pine Tree Stud, Horse Hill, Goadby, Leicestershire, LE7 9EE – Appeal against the Council’s enforcement notice served for the unauthorised change of use of the land for the stationing of a caravan and a mobile home for separate residential use. (written representation procedure)
- Kilworth Marina, Station Road, North Kilworth, Leicestershire, LE17 6JB – Appeal against the Council’s enforcement notice served for the unauthorised siting of a caravan on the land. (public inquiry procedure scheduled, November 2016).

5.15 Appeal decisions:

5.16 There are no enforcement appeal decisions in this quarter, and no outstanding enforcement appeal decisions from the Planning Inspectorate.

6. Legal Issues

6.1 There are no direct legal implications arising from the report itself but legal resources will be required to progress any individual cases reported

7. Resource Issues

7.1 There are direct resource implications arising from action being taken for injunctive proceedings. These are currently within budget and are recoverable costs if the Council are successful in cases of being granted an Injunctive Order by the court.

8. Equality Implications

8.1 The primary objective of the planning enforcement function is to remedy harm to public amenity resulting from unauthorised development. The Council will not take disproportionate action and will seek to redress any issue through the most appropriate means. Under the general principles of the Council’s equality plan officers will have due regard of equality impacts during any investigation and before a decision is made.

9. Impact on the Organisation

9.1 None identified

10. Community Safety Implications

10.1 None identified

11. Carbon Management Implications

11.1 None identified

12. Risk Management Implications

12.1 The integrity of the Development Management process depends on the Councils' readiness to take enforcement action when it is necessary to do so, in order to remedy the undesirable effects of unauthorised activity. Failure to take enforcement action when it is clearly required would damage the reputation of the Council's Planning Enforcement Service.

13. Consultation

13.1 The Portfolio Holder has been consulted on the content of this report and the accompanying Appendices.

14. Options Considered

14.1 Taking effective enforcement action for a breach of planning control is important as a means of maintaining public confidence in the planning system. However the Council's decision to take enforcement action is discretionary and the Council will act proportionately in responding to suspected breaches of planning control.

15. Background Papers

15.1 None

16. Enforcement Appeal Decisions

16.1 None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: n/a

Ward Members Notified: N

Appendix:

Appendix 1 Enforcement Cases (exempt)