

**REPORT TO THE PLANNING COMMITTEE MEETING OF
13 April 2021**

Status: For information
Title: Planning Enforcement Update Report
Originator: Christine Zacharia Team Leader Planning Enforcement
Where from: n/a
Where to next: For information only
Portfolio (holder) Councillor Jonathan Bateman

1 Purpose Report

1.1 This report advises the Committee on the performance of the planning enforcement service, predominantly over a six month period between September 2020 to February 2021.

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 58 of the National Planning Policy Framework (NPPF) 2019. The discretionary and proportionate nature of enforcement is stressed and states that; "*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...*"

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, which do not 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 <i>(DM and TP references relate to Corporate TEN monitoring system)</i>	Target (Target Tolerance 5%)
% of Planning Enforcement Notices served < 28 days of instruction (DM 10)	90% (85%)
% of Planning Enforcement Cases closed < 8 week of registration where no formal action is deemed necessary or appropriate (DM TP1 08)	80% (75%)
% 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 (DM TP1 09)	90% (85%)
% of Complainants updated on progress of planning enforcement investigations < 20 days of receipt of complaint (DM TP1 11)	90% (85%)

5.4 A summary of the planning enforcement service data collated for the period September 2020 to February 2021 is set out in Table 2 below. The data shows that the service is meeting its targets.

Table 2 - Performance September 2020 – February 2021

Indicator	September 2020	October 2020	November 2020	December 2020	January 2021	February 2021
DM 10 (Target 90%)	No notices served	No notices served	No notices served	100% 2 notices served	No notices served	No notices served
DM TP1 08 (Target	81.6%	76%	92.1%	78.6%	88.2%	80%

80%)						
DM TP1 09 (Target 90%)	85.7%	87.2%	100%	85.4%	97.2%	80%
DM TP1 11 (Target 90%)	83.7%	94.9%	88.1%	85.4%	94.4%	87.5%

5.5 Planning Enforcement Figures

5.6 Table 3 and 4, below is a summary of enforcement figures for the past 6 month period between September 2020 to February 2021

Table 3: Enforcement Figures September 2020 – February 2021

Month	Enforcement cases registered	Enforcement cases closed
September 2020	49	49
October 2020	39	25
November 2020	42	38
December 2020	41	42
January 2021	36	17
February 2021	40	50
Totals for 6 month period	247	221

Table 4 : Figures for March 2021

	Enforcement cases registered	Number of cases under investigation	Number of cases under investigation > 6 months old	Number of cases under investigation > 12 months old
March 2021	46	103	15*	11*

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

5.7 The figures in Table 3 show that in the last six months, the team is closing broadly the number of cases it receives. There are generally around 100 cases under investigation at any one time, as shown in Table 4 with around 25% of open cases being more than 6 months old.

5.8 Table 5 below sets out the number of cases received annually since 2017. The table shows a continued increase in cases with the exception of the year 2019/20 which took a dip in new cases registered. It is worth noting that the team has also experienced a significant increase in the year 2020/21 to date through the pandemic.

Table 5: Enforcement Figures for the past 4 financial years

Financial Year	Enforcement cases registered	Enforcement Cases Closed	Enforcement Notices Issued
2017/18	424	402	10
2018/19	435	454	15
2019/20	372	375	15
2020/21 (to date)	477	419	7

5.9 Notices Served

5.10 During the period September 2020 to February 2021, two notices were served.

In summary these relate to:

- 13 Knoll Street, Market Harborough, Leicestershire LE16 9QR – planning enforcement notice served for unauthorised the erection of wooden decking to the rear and side garden area. ***Appeal submitted against Council's notice – written representation***
- Land South West of Gumley Road, Laughton, Leicestershire – Without planning permission, the erection of two kilns and associated fixtures and fittings on the Land. ***Appeal submitted against Council's notice – written representation***

5.11 Other ongoing appeals

- Claybrooke Hall, Main Road, Claybrooke Parva, Lutterworth LE17 5AE – Without Listed Building Consent, the execution of alterations and works to the building. ***Heard by way of written representation. Inspector site visit yet to be scheduled.***

5.12 Planning Compliance

5.13 In addition to the planning enforcement teams general workload is proactive planning condition compliance, which is a proactive initiative undertaken by the Planning Compliance Officer (PCO). The PCO focuses on monitoring 'live' development sites and reviewing compliance with a range of planning conditions such as construction method statements (CMS), including working hours, road cleanliness, traffic routing issues etc. This role has been especially effective in monitoring the compliance of CMS's, and by providing an input at the approval stage of a CMS. Going forward, the role will take on more proactive monitoring with regards to compliance with buffer/ecological zones and public open spaces insofar as they relate to new major, residential and non-residential development sites.

The PCO has approximately 81 'live' development monitoring sites in the District

6. Legal Implications

6.1 There are no direct legal implications arising from the report itself.

7. Equality Implications

7.1 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.

8. Financial Implications

8.1 There are no financial implications from this update report.

9. Risk Management Implications

9.1 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.

10. Data Protection Implications

10.1 None identified

11. Consultation

11.1 The Portfolio Holder has been consulted on the content of this report.

12. Options Considered

12.1 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.

13. Background Papers

13.1 None

Information Issued Under Sensitive Issue Procedure: n/a

Ward Members Notified: N

Appendices: None