

Harborough District Council

Report to Corporate and Performance Overview and Scrutiny Meeting of 20 March 2025

Title:	Development Management Update (to include update on enforcement and s106)
Status:	Public
Key Decision:	No
Report Author:	Adrian Eastwood, Head of Service Development Management.
Portfolio Holder:	Cllr Simon Galton
Appendices:	Appendix 1: summary of the planning service enforcement performance. Appendix 2: Planning appeal outcomes Appendix 3 : s106 entered (in the report period.)

Summary

A summary on the performance of the development management service, over the period between 1 April 2024 to 31 January 2025.

Recommendation

That the Corporate and Performance Overview and Scrutiny Panel notes and considers the information contained in the report and makes any comments or observations on it that the Panel consider necessary.

Reasons for Recommendations

To ensure that Corporate and Performance Overview and Scrutiny Panel are kept updated on the performance of the Council's Development Management function and are given the opportunity to consider this and make comment or observations on it.

1. Purpose of Report

- 1.1 This report advises the Committee on the performance of the Development Management service in respect of planning applications, appeals and enforcement for the period between 1 April 2024 to 31 January 2025.

2. Key Facts

2.1 Performance Targets

2.2 Planning application and planning appeal decisions are subject to the following performance indicators. These reflect national targets measured countrywide. Planning enforcement is measured locally as reported in Appendix 1 to this report.

2.3 In order to assess whether the Development Management service is meeting its planning application decision speed and decision quality targets, it is assessed monthly against four key performance indicators; these are set out in Table 1 below:

Table 1: Planning application and planning appeals - Key Performance Indicators (KPI)

PLANNING APPLICATION DECISIONS KPI's	TARGET
DM 01 % of major applications determined within 13 weeks or other agreed time	60%
DM 02 % of minor and other applications determined within 8 weeks or other agreed time	70%
DM 07 Less than 10% of major decisions allowed at appeal	<10%
DM 08 Less than 10% of minor and other decisions allowed at appeal	<10%

2.4 A summary of the planning application decision data for the above KPI's for the period between 1 April 2024 to 31 January 2025 is set out in Table 2 below. The data shows, the service is meeting its targets. The Service uses extension of times agreements on an individual basis, when appropriate, to try and resolve issues through negotiation of schemes, with aim of a positive outcome. This is referred to in Table 1 as *other agreed time*.

Table 2 - Planning application and planning appeals performance between 1 April 2024 to 31 January 2025

Indicator	April 2024(%)	May 2024(%)	June 2024(%)	July 2024(%)	August 2024(%)	September 2024(%)	October 2024(%)	November 2024 (%)	December 2024(%)	January 2025(%)
DM 01 (Target 60%)	- ¹	83.3	100.0	100.0	-	-	100.0	100.0	100.0	100
DM 02 (Target 70%)	86.9	86.8	77.5	96.4	77.0	73.5	84.6	95.6	89.1	84.4
DM 07 (Target <10%)	0	0	0	0	0	0	0	0	0	0
DM 08 (Target <10%)	1.7	0.0	1.0	0.0	3.2	0.0	1.9	4.4	1.8	0.0

¹ No data i.e. no major decisions for this month.

2.5 Legacy of underperforming planning application decisions

2.6 Table 2 data shows that performance is above target. Nevertheless prior to this period there has been a period of underperformance that remains reflected in national performance tables. See [Live tables on planning application statistics - GOV.UK](#). This is reflected because those tables (see P151 & P153) measure performance over a 24-month period ending September 2024. This data therefore still contains information from when the Development Management service planning application decision speed performed at its lowest around mid to late 2022. This low performance followed implementation of reduced service resources/staffing service structure changes (since reversed from December 2023).

Planning Appeal Decisions

2.7 Planning application appeal performance is shown to meet targets in Table 1 (DM07 & DM08). Nevertheless, the Authority remains relatively busy in terms of appeals handled. For example, from April 2024 there has often been 30 outstanding (i.e. current) appeals. There are currently 28 outstanding planning appeals. Anecdotally 20 outstanding appeals has historically been typical for Harborough district. Appendix 2 gives some insight into the range of appeals and outcomes.

2.8 Of the 25 appeal outcomes shown in Appendix 2, six were allowed (i.e. 24%). Experience suggests a good barometer of performance is that no more than 30% of appeals are allowed. The outcome is below this and indicates the Authority is taking good decisions whilst not shying away from refusing planning permission and defending that at appeal when necessary.

Planning Enforcement

2.9 Appendix 1 gives a summary of the Planning Enforcement service data for the period between 1 April 2024 to 31 January 2025, the data shows that in the main, the service is meeting its targets. The exception is target DM30. This reflects that the enforcement service continues to try and resolve a breach of planning control through mediation, which does sometimes impact on this KPI as cases will be open longer than 8 weeks for resolution without formal enforcement action having to be taken.

S106 planning agreements

2.10 Appendix 3 is a list of twenty-three s106s entered into in the period under consideration in this report. This highlights that s106 work is a busy workstream. Much s106 work relates to Deeds of Variations (DoV) of existing agreements which is typically required when plans are subject to variation. Such variation is commonplace during the 'life cycle' of development.

3. Legal Implications

- 3.1 The Corporate Overview and Scrutiny Panel plays a key role in the scrutinising the annual budget and monitoring the council's performance on an ongoing basis.

Scrutiny is a core function of the council and ensures that local government is open, transparent and accountable to its residents. The main power of scrutiny is to influence the policies and decisions of the council. Scrutiny does this by gathering evidence, considering key information and questioning officers to make recommendations.

4. Equality Implications

- 4.1 The primary objective of the development management and planning enforcement functions is taking decisions to promote sustainable development or remedy harm resulting from unauthorised development. In taking decisions the Council will not take disproportionate action and shall follow the general principles of the Council's equality duty. Planning decisions will have due regard of equality impacts.

5. Financial Implications

- 5.1 There are no direct financial implications from this update report. Planning fee income is separately reported through regular budget monitoring. There are potential indirect impacts from poor planning application performance, but the Council is not in this category.

6. Risk Management Implications

- 6.1 The integrity of the Development Management process depends on the Councils' planning applicant performance and readiness to take enforcement action when necessary. The service is relatively high profile, and its work/ decisions features regularly (typically weekly) in local media.
- 6.2 With respect to planning decisions and planning appeals the risk to the authority of not demonstrating a minimum five-year supply (5YS) of land for housing is apparent from two February 2025 appeal decisions. These recent decisions lie outside the data period for compiling this report. However, they both represent allowed appeals citing lack of 5YS. These appeals were 23/01104/OUT allowing 48 dwellings at Billesdon and 24/00397/FUL allowing 5 dwellings at Foxtan Road, Lubenham.

7. Data Protection Implications

- 7.1 None identified.

8. Consultation

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

9. Options Considered

- 9.1 Taking effective planning decisions is important as a means of maintaining public confidence in the planning system and delivering sustainable development, including housing and economic growth. Taking planning application decisions and doing planning appeal work are both statutory functions. Planning enforcement, whilst discretionary, underpins the credibility of the planning system and that activity needs to be done proportionately and expediently in responding to suspected breaches of planning control.

10. Background Papers

10.1 [Live tables on planning application statistics - GOV.UK](#)

