

**REPORT TO THE PLANNING COMMITTEE MEETING OF
7 December 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 on planning enforcement performance advises the Committee on the work of the planning enforcement service between April 2021 to September 2021 (6 month period).

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 59 of the National Planning Policy Framework (NPPF) 2021. 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 Cases closed within 8 weeks of registration where no formal action is deemed necessary or appropriate (DM TPI 08)	80%
% of Cases responded to within target date set out in Local Enforcement Plan (LEP) Top priority cases – 1 working day High priority cases – 5 working days Standard priority cases – 10 working days (DM TPI 09)	90%
% of Complainants updated on progress of planning enforcement investigations within 20 days of receipt of complaint (DM TPI 11)	90%
% of enforcement complaints registered and acknowledged within 3 days of receipt (DM TPI 12) <i>New indicator</i>	90%

5.4 A summary of the planning enforcement service data collated for the period April - September 2021 is set out in Table 2 below. The data shows that the service on balance meets its targets.

Table 2 - Performance April – September 2021

Indicator	April	May	June	July	August	September
DM TPI 08 (80%)	65.5%	90.5%	80.4%	69.4%	79.2%	89.2%
DM TPI 09 (90%)	75%	86%	83%	94.2%	89.1%	89.6%
DM TPI 11 (90%)	89.3%	90.7%	96.2%	92.3%	95.7%	93.8%
DM TPI 12 (90%)	89.3%	88.4%	90.6%	96.2%	89.1%	93.8%

5.5 Planning Enforcement Statistics

- 5.6 Table 3 below is a summary of enforcement figures for the April - September 2021 period.

Table 3: Enforcement Figures April 2021 – September 2021

Month	Enforcement cases registered	Enforcement cases closed
April	57	64
May	47	45
June	53	47
July	53	42
August	47	64
September	48	37
Totals for 6 month period	305	310

- 5.7 The figures show that in the 6 month period between April and September 2021 the team is closing broadly the number of cases it receives. There are currently 75 cases under investigation, 8 of these are more than 6 months old.
- 5.8 Table 4 below sets out the number of cases received annually since 2017. The table shows a continued increase in cases except for the year 2019/20 which took a dip in new cases registered. It is worth noting that the team has experienced a significant increase in the year 2021/22 to date, but are still meeting demand for its service, given the number of cases closed in the same period.

Table 4: Enforcement Figures for the past 4 financial years & first part of current financial year

Financial Year	Enforcement cases registered	Enforcement Cases Closed	Notices Issued
2017/18	424	402	10
2018/19	435	454	15
2019/20	372	375	15
2020/21	477	419	8
2021/22 (6 months only)	305	310	8

- 5.9 The types of breaches investigated during April – September 2021 is summarised in Table 5 below. The table shows that the highest reported type of breach is unauthorised development, followed by non compliance with planning conditions/approved plans.

Table 5: Types of breaches investigated April – September 2021

Breach Type	No. of cases	% of cases registered
Unauthorised Development	104	35.4%
Condition non compliance	82	27.9%
Change of use	42	14.8%
Untidy Land	19	6.2%
Unauthorised works to trees	11	3.6%
Advert	11	3.6%
Works in a Conservation Area	10	3.3%
Hedge removal	7	2.3%
Development Condition Monitoring	7	2.3%
Unauthorised works to listed building	2	0.6%

5.10 In the same period, as set out in Table 5 above, 310 cases were closed. The reasons for closure are set out in Table 6 below. It is noted that nearly half of enforcement complaints received result in no breach identified (44.8%).

Table 6: Reasons for closing April – September 2021

Reason for closing	No. of cases	% of cases registered
No Breach Found	139	44.8%
Not Expedient	68	22%
Breach Ceased	35	12%
HISQ - History Query	21	6.7%
Breach reported approved by retrospective planning permission	20	6.5%
To be reviewed within 6 months	11	3.2%
Duplicate Case	10	3%
Notice Compliance	4	1.3%
APPEAL - Appeal allowed. Notice Quashed	1	0.3%
IMMUNE - Breach immune from formal action	1	0.3%

5.11 Notices Served

5.12 During the period April – September 2021, 8 notices were served.

In summary these relate to:

- Land adjoining Greenacres, Leicester Road, Market Harborough, Leicestershire, LE16 7QT – S215 notice served for untidy land. **No appeal submitted. Compliance with notice.**
- Red Lion, 5 Main Street, Great Bowden – Breach of condition notice relating to painting container – **notice complied with**

- Red Lion, 5 Main Street, Great Bowden – Planning enforcement notice for unauthorised works (Quadrant Structure). **Appeal submitted, waiting for hearing date**
- 62 Welland Avenue, Gartree, LE16 7RW – Planning enforcement notice for unauthorised change of use – outbuilding in use as a separate unit of residential accommodation not ancillary to the host dwelling. **Appeal submitted**
- August Cottage, 3 The Lindens, Station Road, Broughton Astley – Breach of condition notice relating to hours of operation. **Notice complied with**
- Land at North and South of North End, Hallaton, Leicestershire, LE16 8UJ – Temporary Stop Notice relating to non-compliance with construction route. **Notice complied with**
- Land at North and South of North End, Hallaton, Leicestershire, LE16 8UJ – Breach of condition notice relating to non-compliance with construction route. **Notice complied with**
- Land Rear of Cedars Courtyard, High Street, Fleckney – Temporary Stop Notice for non compliance of planning condition 4 (contamination) of 20/00505/FUL - **Notice complied with**

5.13 Appeal decisions:

- Claybrooke Hall, Claybrooke Parva – Appeal against Listed Building Enforcement Notice. Appeal dismissed and Council's notice upheld. Copy of Inspector decision attached as Appendix 1 of this report.

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

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: n/a

Ward Members Notified: N

Appendix:

Appendix 1 Enforcement appeal decision –Claybrooke Hall