

Title of Report	PLANNING ENFORCEMENT UPDATE	
Presented by	Minna Scott Street Protection Team Leader	
Background Papers	None	Public Report: Yes
Financial Implications	None	
Legal Implications	None	
Staffing and Corporate Implications	None	
Purpose of Report	To provide an update to Members on the work of the planning enforcement team. To provide an overview of the compliance and monitoring cases within the planning enforcement service.	
Recommendations	PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.	

1.0 PLANNING ENFORCEMENT POLICY

1.1 In February 2019, the Council adopted the Enforcement Policy for Planning Enforcement (the Policy”) as it is considered best practice to adopt an enforcement policy specific to Planning Enforcement as detailed within paragraph 58 of the National Planning Policy Framework (June 2019). The Policy includes a risk matrix to better manage the volume of cases received and aligns resources to the most appropriate cases.

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

1. *Urgent Cases* - where works are being carried out which will cause irreparable harm / damage.
2. *High Priority Cases (Harm score over 5)* - 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 (Harm score Under 5)* – 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.

1.3 Below is Table 1 showing the **results of the harm scoring** for 2020/2021.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases	4	70	28	N/A
High priority cases (Score over 5)	16	39	49	N/A
Standard priority cases (Score under 5)	30	13	16	N/A
Case received and awaiting assessment by Officer	N/A	19	20	

2.0 PLANNING ENFORCEMENT STATISTICS

2.1 Table 2, below is a summary of enforcement statistics for Quarters 1, 2, 3 and 4 2020/2021.

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, appeals or are in the initial stages of formal action being taken by the service of an enforcement notice.

It should also be noted that the number of cases > 6 months has reduced in Q2 & Q3, this may be as a result of cases that are of a less complex nature and therefore can often be resolved in a shorter period of time e.g. retrospective planning permission may not be required.

Months/Year	No. of new cases opened	No. of cases closed	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	111	102	56	91	235
Quarter 2	141	77	78	75	234
Quarter 3	113	83	88	44	242
Quarter 4	N/A	N/A	N/A	N/A	N/A

2.2 Table 3 shows the types of cases that are over 6 months and 1 year.

	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation	Development Monitoring
Cases over 6 mth	5	9	0	0	0	25	5
Cases over 1 year	2	14	1	12	0	57	2

2.3 The types of breaches investigated during Quarters 1, 2, 3 and 4 is summarised in Table 4 below.

Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	6	13	15	N/A
Unauthorised works in conservation area	3	4	3	N/A
High hedges	0	0	0	N/A
Unauthorised works on a listed building	0	2	5	N/A
Not in accordance with approved plans	20	25	17	N/A
Unauthorised works on a protected tree	4	2	1	N/A
Unauthorised development – Domestic	30	41	38	N/A
Unauthorised development – Non domestic	13	11	7	N/A
Untidy land	9	0	1	N/A
Unauthorised advertisement	0	0	1	N/A
Material change of use	13	27	21	N/A
Advice	2	1	2	N/A
Breach of Section 106	0	1	0	N/A

2.4 During the period Oct 2020 to December 2020, the following notices were served:

S330 – 2
BOCN – 1

2.5 Prosecutions

During the period October 2020 to December 2020, there have been no prosecutions taken.

2.6 Prosecution outcome

Not applicable

2.7 Appeals

During the period October 2020 to December 2020, there has been no enforcement appeals lodged.

2.8 Appeal decisions

Not applicable

3. DEVELOPMENT MONITORING

3.1 Table 5 shows the number of development monitoring cases open for each quarter.

It should be noted that development monitoring cases are opened when the development starts and remains open until it is completed and therefore the figures also show the number of sites being monitored each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	11	14	1	N/A

4. PERFORMANCE STATISTICS

4.1 Table 6 shows the number of member enquiries received in each quarter.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	15	9	17	N/A

4.2 The number of compliments and complaints is shown in Table 7.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	2	1	N/A
Compliments	0	0	0	N/A

4.3 Table 8 shows the response rate as per the timeframes set in the planning enforcement policy.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	72	92	111 (2 anon)	N/A
Full assessment of operational development site visit completed within 5 working days	11	54	61	N/A
Full assessment of alleged material change of use within 5 working days of final site visit	6	8	31	N/A

5. KEY CASES

5.1

- Aylesbury Gardens – this appeal has been allowed at the High Court and we await the outcome of the hearing
- The Stables, Charnells Court, Main Street, Swepstone – an enforcement notice has been appealed and is going to a public inquiry
- Whitney Park – gypsy site, we are awaiting feedback from the Lead Local Flood Authority before considering our next steps. A planning contravention notice (“PCN”) is to be issued in order to obtain occupier details
- Occupation Lane, Albert Village – this is a double mini roundabout that wasn’t implemented, this is with LCC legal and hopefully is progressing towards being developed
- Donington Hall – this is with administrators at the minute and we are working with them

- The Priest House – as above
- March House, Long Street, Belton - this is being negotiated with the owners to remedy the breach