

Title of Report	PLANNING ENFORCEMENT UPDATE Q1 2021/22	
Presented by	Minna Scott Public Protection Team Leader	
Background Papers	None	Public Report: No
Financial Implications	None	
Legal Implications	None	
Staffing and Corporate Implications	None	
Purpose of Report	<p>To provide an update to Members on the work of the planning enforcement team.</p> <p>To provide an overview of the compliance and monitoring cases within the planning enforcement service.</p>	
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 2021/2022.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	37	N/A	N/A	N/A
High priority cases (Score over 5)	36	N/A	N/A	N/A
Standard priority cases (Score under 5)	28	N/A	N/A	N/A
No update	3	N/A	N/A	N/A
Pending Consideration	13	N/A	N/A	N/A

2.0 PLANNING ENFORCEMENT STATISTICS

2.1 Table 2, below is a summary of enforcement statistics for Quarters 1 2021/22

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.

Months/Year	No. of new cases opened	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	117	105	67	289
Quarter 2	N/A	N/A	N/A	N/A
Quarter 3	N/A	N/A	N/A	N/A
Quarter 4	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.

	Plannin g Dischar ge of Conditio n	Retrospecti ve application	Appea ls	Compl ex cases	Prosecutio ns	Protracte d negotiati on	Developm ent Monitoring
Case s over 6 mth	0	14	0	15	0	38	0
Case s	0	19	1	20	0	58	7

over 1 year							
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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	17	N/A	N/A	N/A
Unauthorised works in conservation area	10	N/A	N/A	N/A
High hedges	2	N/A	N/A	N/A
Unauthorised works on a listed building	4	N/A	N/A	N/A
Not in accordance with approved plans	15	N/A	N/A	N/A
Unauthorised works on a protected tree	2	N/A	N/A	N/A
Unauthorised development – Domestic	37	N/A	N/A	N/A
Unauthorised development – Non domestic	7	N/A	N/A	N/A
Untidy land	0	N/A	N/A	N/A
Unauthorised advertisement	1	N/A	N/A	N/A
Material change of use	16	N/A	N/A	N/A
Advice	3	N/A	N/A	N/A
Breach of Section 106	0	N/A	N/A	N/A

2.4 During the period April 2021 to June 2021, there have been the following notices served:

- 1 Enforcement Notice
- 1 Planning Contravention Notice
- 1 Injunction
- 1 Temporary Stop Notice

2.5 Prosecutions

During the period April 2021 to June 2021, there have been no prosecutions taken.

2.6 Prosecution outcome

Not applicable

2.7 Appeals

During the period April 2021 to June 2021, there has been 1 enforcement appeal lodged.

2.8 Appeal decisions

Not applicable

3.0 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 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	3	N/A	N/A	N/A

4.0 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	23	N/A	N/A	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	N/A	N/A	N/A
Compliments	0	N/A	N/A	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	111 - 4 anon	N/A	N/A	N/A
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	N/A	N/A	N/A

5.0 KEY CASES

5.1

- Aylesbury Gardens – appeal has been dismissed by the High Court, next steps being considered.
- The Stables, Charnells Court, Main Street, Swepstone – appeal at public inquiry was dismissed, compliance visit arranged
- Whitney Park – gypsy site, we are awaiting feedback from the Lead Local Flood Authority before considering our next steps. PCN to be issued for occupier details.
- Occupation Lane, Albert Village – this is for the provision of a double mini roundabout that hasn't been implemented, and is with LCC legal and is progressing towards agreements being put in place for works to be completed
- March House, Long Street, Belton - this is being negotiated with the owners to remedy the breach following the refusal of planning permission
- Ashby Woulds Residential Park, Overseal – pending application decision
- AJS Welding, Rempstone Road, Coleorton – planning application submitted
- Whitegate Stables, Packington – interim injunction and enforcement notice served