

Title of Report	PLANNING ENFORCEMENT UPDATE Q2 2021/22	
Presented by	Chris Elston Head of Planning and Infrastructure	
Background Papers	None	Public Report: No
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.	

1.1 This report is to update planning committee members on the quarter 2 figures for 2021/22. However, I have also included the tables from 2020/21 for comparison.

1.2 Below is Table 1 showing the **results of the harm scoring**.

	2020/21			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	4	70	28	36
High priority cases (Score over 5)	16	39	49	23
Standard priority cases (Score under 5)	30	13	16	6
No update		2	3	28
Pending Consideration		17	17	20

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	37	12	N/A	N/A
High priority cases (Score over 5)	36	34	N/A	N/A
Standard priority cases (Score under 5)	28	10	N/A	N/A
No update	3	11	N/A	N/A
Pending Consideration	13	18	N/A	N/A

2.0 PLANNING ENFORCEMENT STATISTICS

2.1 Table 2, below is a summary of enforcement statistics.

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.

2020/21					
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	113	137	95	35	232

2021/22				
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	85	100	54	239
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.

2020/21							
	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation	Development Monitoring
Cases over 6 mth	0	11	0	4	0	15	5
Cases over 1 year	0	11	0	8	0	72	3

2021/22							
	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation	Development Monitoring
Cases over 6 mth	0	11	0	0	0	43	0
Cases over 1 year	6	17	0	9	0	63	5

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

2020/21				
Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	6	13	15	12
Unauthorised works in conservation area	3	4	3	5
High hedges	0	0	0	0
Unauthorised works on a listed building	0	2	5	2
Not in accordance with approved plans	20	25	17	21
Unauthorised works on a protected tree	4	2	1	1
Unauthorised development – Domestic	30	41	38	25
Unauthorised development – Non domestic	13	11	7	12
Untidy land	9	0	1	1
Unauthorised advertisement	0	0	1	10
Material change of use	13	27	21	14
Advice	2	1	2	8
Breach of Section 106	0	1	0	0

2021/22				
Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	17	6	N/A	N/A

Unauthorised works in conservation area	10	2	N/A	N/A
High hedges	2	2	N/A	N/A
Unauthorised works on a listed building	4	2	N/A	N/A
Not in accordance with approved plans	15	8	N/A	N/A
Unauthorised works on a protected tree	2	3	N/A	N/A
Unauthorised development – Domestic	37	27	N/A	N/A
Unauthorised development – Non domestic	7	10	N/A	N/A
Untidy land	0	0	N/A	N/A
Unauthorised advertisement	1	0	N/A	N/A
Material change of use	16	17	N/A	N/A
Advice	3	6	N/A	N/A
Breach of Section 106	0	1	N/A	N/A

2.4 During the period July 2021 to September 2021, there have been the following notices served:

1 Planning Enforcement Notice and 1 Planning Contravention Notice

2.5 Prosecutions

During the period July 2021 to September 2021, there have been no prosecutions taken.

2.6 Prosecution outcome

Not applicable

2.7 Appeals

During the period July 2021 to September 2021, there have been no enforcement appeals lodged.

An attempt to Judicially Review the Planning Inspectors decision in respect enforcement notice appeal decision for The Stables, Charnells Court, Main Street, Swepstone has been dismissed.

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.

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	11	14	1	2

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	3	1	N/A	N/A

4.0 PERFORMANCE STATISTICS

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

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	15	9	17	24

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	23	11	N/A	N/A

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

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	2	1	1
Compliments	0	0	0	0

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	2	N/A	N/A
Compliments	0	0	N/A	N/A

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

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	72	92	111 (2 anon)	103 (2 anon)
Full assessment of operational development site visit completed within 5 working days	11	54	61	39
Full assessment of alleged material change of use within 5 working days of final site visit	6	8	31	2

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	111 - 4 anon	77 – 1 anon	N/A	N/A
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55 16 Pending	N/A	N/A

5.0 KEY CASES

5.1

- Aylesbury Gardens – Enforcement Notice was issued and legal have advised to await the appeal
- The Stables, Charnells Court, Main Street, Swepstone – appellant requested a Judicial Review on the inspectors decision. Leave to apply for JR has been dismissed by the Courts and the Planning Inspectors decision has therefore been upheld. The period for compliance with the requirements of the Notice has commenced and site will be monitored when this has expired.
- Whitney Park – gypsy/traveller 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 – appeal of planning decision, awaiting outcome
- 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. Ongoing monitoring being undertaken pending outcome of planning applications.