

Title of Report	PLANNING ENFORCEMENT UPDATE Q3 2021/22	
Presented by	Dylan Jones Planning & Development Team Manager	
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 3 figures for 2021/22.

Harm Scoring

1.2 The two following tables show the **results of the harm scoring process** following a site visit. Harm scoring is done to assess the priority of the case and to inform the workload of the Enforcement Officers. The harm score is worked out using the criteria in the document appended as annex 1 to this report.

1.3 Works to Listed Buildings, illegal advertisements, hedge removals and works to trees with Tree Preservation Orders or within Conservation Areas are always investigated as a priority. Other cases are assessed and scored against the criteria in the appended harm sheet and only cases that score 5 or more are deemed to cause sufficient harm to warrant further investigation.

1.4 The first table shows the historical results for the 2020/21 financial year for comparison with that achieved in the second table which shows the current 2021/22 financial year.

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	0	2	3	28
Pending Consideration	0	17	17	20

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	37	12	43	
High priority cases (Score over 5)	36	34	17	
Standard priority cases (Score under 5)	28	10	27	
No update	3	11	24	
Pending Consideration	13	18	31	

2.0 PLANNING ENFORCEMENT STATISTICS

- 2.1 The tables below provide a summary of new cases opened as well as those that have been with us for 6 months and over and the total amount of live cases that are with the team.
- 2.2 It should be noted that some cases that are in the older than 6 months and 1 year categories 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.
- 2.3 Please also note that some of the new cases received in Quarter 3, were closed as there was not a breach of planning control and no further action was taken.
- 2.4 The first table shows the historical results for the 2020/21 financial year for comparison with that achieved in the second table which shows the current 2021/22 financial year.

2020/21					
Months/Year	No. of new cases opened	No. of cases closed	No. of cases older than 6 months	No. of cases older than 1 year	No. of live cases at time of report
Quarter 1	111	102	91	56	
Quarter 2	141	77	75	78	
Quarter 3	113	83	44	88	
Quarter 4	113	137	35	95	

2021/22				
Months/Year	No. of new cases opened	No. of cases older than 6 months	No. of cases older than 1 year	No. of live cases at time of report
Quarter 1	117	67	105	289
Quarter 2	85	54	100	239
Quarter 3	142	60	120	310
Quarter 4				

2.5 The types of breaches investigated during Quarters 1, 2, and 3 is summarised below.

2.6 The first table shows the historical results for the 2020/21 financial year for comparison with that achieved in the second table which shows the current 2021/22 financial year

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
Development Monitoring	11	14	1	2
TOTAL CASES	111	141	112	113

2021/22				
Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	17	6	23	
Unauthorised works in conservation area	10	2	4	
High hedges*	2	2	0	
Unauthorised works on a listed building	4	2	6	
Not in accordance with approved plans	15	8	23	
Unauthorised works on a protected tree	2	3	3	
Unauthorised development – Domestic	37	27	30	
Unauthorised development – Non domestic	7	10	23	
Untidy land*	0	0	0	
Unauthorised advertisement	1	0	3	
Material change of use	16	17	5	
Advice	3	6	18	
Breach of Section 106	0	1	4	
Development Monitoring	3	1	0	
TOTAL CASES	117	85	142	

* Denotes enforcement cases investigated by the Environmental Protection Team and not by Planning Enforcement.

2.7 During the period October 2021 to December 2021, the following notices have been served:

Notice type	October	November	December
Planning Contravention Notice	1	1	1
Enforcement Notice	0	0	1
S330	0	1	1

2.8 Prosecutions

- During the period October 2021 to December 2021, no prosecutions have taken place.

2.9 Appeals

- During the period October 2021 to December 2021, no enforcement appeals have been lodged.

2.10 Key cases

2.11 These are cases that are considered to be complex cases that require more focus and time by the enforcement officer. They may be at appeal stage, enforcement notice or large complex cases of public interest.

SITE	DESCRIPTION
Whitegate Stables, Coleorton Lane, Packington	The site has an injunction order in place and an Enforcement Notice. Temporary approval for water and electricity supplies have been given on site
Aylesbury Gardens	Planning application due to be determined. There is a Court of Appeal case relating to the site so no further enforcement action is currently possible
The Stables, Charnells Court, Main Street, Swepstone	The Enforcement Notice is extant and has not been complied with, unable to contact landowner at present. Next steps likely to be prosecution and thereafter direct action
Whitney Park	This is a gypsy/traveller site, where feedback from the Lead Local Flood Authority is awaited before considering the next steps. Awaiting occupier details and discussion to be made on the best way to deal with the issues
March House, Long Street, Belton	Planning appeal allowed and the enforcement case to be subsequently closed
Ashby Woulds Residential Park, Overseal	Planning application refused, appeal submitted to the Planning Inspectorate, no enforcement action currently taking place, pending outcome of the appeal
AJS Welding, Rempstone Road, Coleorton	Planning application submitted, pending decision
Brooks Lane, Whitwick	No travellers on site, s187b notice is being adhered to
Netherfield Lane	Awaiting site meeting to assess if the terms of the s187b notice are being adhered to

3.0 PERFORMANCE STATISTICS

3.1 This table shows the number of member enquiries received in each quarter.

3.2 The first table shows the results for the 2020/21 financial year for comparison with that achieved in the second table which shows the current 2021/22 financial year.

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	18	

3.3 This shows the response rates as per the timeframes set in the planning enforcement policy for investigating and dealing with cases.

3.4 The first table shows the results for the 2020/21 financial year for comparison with that achieved in the second table which shows the current 2021/22 financial year.

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	102 – 1 anon	
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55 16 Pending	56 25 not required 26 Pending	

APPENDIX 1 – HARM SCORING SHEET

Date:

Officer:

Case Reference:

North West Leicestershire District Council - HARM Prioritisation Assessment Form

To be completed by the officer who has seen the development
Note: this form is only to be used when a breach has been identified

- All retrospective refusals of planning permissions and complaints received regarding illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order/conservation area will automatically receive a full investigation.
- Each new complaint will be allocated scores as set out to assess its harm. The total will provide its harm score from which its priority will be based.
- Where there is no breach of planning control found no harm score is required.

Points allocation	Score
Is the breach:	worsening (1) Stable (0)
Highway safety issue: Assessed against reasons why development to be refused on highway safety grounds ie Impact on visibility, insufficient splays, dangerous access onto classified road, inadequate off street parking, conversion of garage reducing parking provision	Yes (1) No (0)
Other safety issues: Unsafe practices, certain businesses operating from home ie food, toxic elements into the watercourse; using dangerous chemicals	Yes (1) No (0)
Causing a (potential) statutory nuisance: Smoke, dust, noise etc	Yes (1) No (0)
Complainant:	Immediate neighbour/staff (2) Member/Parish Council (2) Other (1)
Age of breach:	Within 3 months of immunity (3) Less than 1 month old (2) More than 1 month old (1)
Is the harm: Local would be harm to the immediate vicinity ie next door neighbours affected. Widespread would be immediate vicinity & surrounding area	Widespread (2) Local (1) None (0)
Irreversible harm: Does not relate or criminal acts but those that permanently affect areas ie demolition of a building; engineering works that are unacceptable, works within the Green Wedge	Yes (1) No (0)
Breach of planning condition: Only relates to a breach of a condition on an existing PP it does not relate to the GPDO which is a technical breach and not one based on harm.	Yes (1) No (0)
Conservation area	Yes (1) No (0)

Affecting the setting of a listed building	Yes (1) No (0)	
Special exercise This is where the breach is likely to score under 5 but the Council believe that the development is so harmful that it requires further investigation (If yes provide more details)	Yes (1) No (0)	
Sensitive site (if yes provide more details) Politically sensitive, contentious site. This is a discretionary score to utilise if needed.	Yes (1) No (0)	
Undesirable precedent We don't want more of these in the area or others copying i.e., extended gardens into fields behind, car sales from home etc If yes provide more detail	Yes (1) No (0)	
Total Points (HARM score)		

- Only complaints which score 5 or above will be investigated further. Those with a lesser score will be informed of the breach/likely breach and invited to remedy/regularise it. In both cases the complainant will be notified of our actions.