

<b>Title of Report</b>	<b>PLANNING ENFORCEMENT UPDATE Q4 2021/22</b>	
<b>Presented by</b>	Dylan Jones Planning and Development Team Manager	
<b>Background Papers</b>	None	<b>Public Report:</b> Yes
<b>Financial Implications</b>	None	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Director:</b> Yes	
<b>Legal Implications</b>	None apparent from this report. Legal advice is provided on enforcement matters on a case-by-case basis.	
	<b>Signed off by the Legal Advisor:</b> Yes	
<b>Purpose of Report</b>	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.	
<b>Recommendations</b>	<b>PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.</b>	

## 1 BACKGROUND

- 1.1 This report is to update Planning Committee members on the performance of the Planning Enforcement Team during Quarter 1 of the 2022/23 financial year.

## 2 Harm Scoring of Cases

- 2.1 Harm scoring is a process that the team uses to prioritise its workload. Below is Table 1 showing the results of the harm scoring process with the different priority levels given to the cases listed along the left hand side of the table. Following an initial site visit, each case is given a harm score which determines the priority that should be given to the case, and this defines the timescale and process that the team will follow to

investigate and resolve the matter. Please note that cases received regarding works to listed buildings and trees that have Tree preservation Orders are treated as urgent priority.

- 2.2 To clarify, the first heading under the urgent case/not required category is where a harm scoring exercise is not carried out as it's not necessary. This will be due to either the case falling into the high priority category where we investigate immediately, or no breach is found on site and there isn't a case to investigate.
- 2.3 The first part of the table shows that which was achieved in the last financial year and it can be seen that a similar number of cases were harm scored in Q1 of this financial year in comparison for the same period in the previous financial year.

**Table 1 – Harm Scoring**

	2021/2022					2022/2023				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
<b>Urgent Case/Not Required</b>	37	12	43	59	<b>151</b>	36				
<b>High Priority cases (score over 5)</b>	36	34	17	8	<b>95</b>	11				
<b>Standard Priority case (score under 5)</b>	28	10	27	12	<b>77</b>	14				
<b>No update (awaiting harm score)</b>	3	11	24	19	<b>57</b>	3				
<b>Pending consideration (visit arranged but not completed or awaiting visit to be made)</b>	13	18	31	14	<b>76</b>	32				
<b>Annual Total</b>	<b>117</b>	<b>85</b>	<b>142</b>	<b>112</b>	<b>456</b>	<b>96</b>				

### 3 PLANNING ENFORCEMENT CASE STATISTICS

Table 2 – Number of New Cases Opened

<b>2021/2022</b>				
<b>Months/Year</b>	<b>No. of new cases opened</b>	<b>No. of cases older than 6 months</b>	<b>No. of cases older than 1 year</b>	<b>Total no. of live cases within each quarter</b>
<b>Q1</b>	117	67	105	289
<b>Q2</b>	85	54	100	239
<b>Q3</b>	142	60	120	322
<b>Q4</b>	112	46	120	278
<b>Total in year</b>	<b>456</b>	<b>227</b>	<b>445</b>	<b>N/A</b>
<b>2022/23</b>				
<b>Months/Year</b>	<b>No. of new cases opened</b>	<b>No. of cases older than 6 months</b>	<b>No. of cases older than 1 year</b>	<b>Total no. of live cases within each quarter</b>
<b>Q1</b>	96	72	112	307
<b>Q2</b>				
<b>Q3</b>				
<b>Q4</b>				

- 3.1 Table 2 above shows the number of new cases opened by the team and the number of those that have been with the team for over six months and over a year which have been carried over from the previous financial year.
- 3.2 The figures show that the team opened less new cases in Q1 of this financial year yet the number of older cases has grown slightly compared to the same period in the previous year. This is the result of a number of older complex cases with the team which take time to resolve. This will be monitored moving forwards to ensure that cases are actively worked on and closed when appropriate to do so.
- 3.3 The types of breaches investigated during Quarter 1 of the current financial year summarised in Table 3 below.

**Table 3 – Types of Breaches Investigated**

2020/22					2021/23				
Type of breach	Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4
Breach of planning condition	17	6	23	17		17			
Unauthorised works in conservation area	10	2	4	5		1			
High hedges	2	2	0	0		0			
Unauthorised works on a listed building	4	2	6	4		3			
Not in accordance with approved plans	15	8	23	15		11			
Unauthorised works on a protected tree	2	3	3	4		2			
Unauthorised development – Domestic	37	27	30	24		23			
Unauthorised development – Non domestic	7	10	23	20		18			
Untidy land	0	0	0	2		2			
Unauthorised advertisement	1	0	3	2		5			
Material change of use	16	17	5	10		6			
Advice	3	6	18	9		7			
Breach of Section 106	0	1	4	0		0			
Development Monitoring	3	1	0	0		1			
<b>Totals</b>	<b>117</b>	<b>85</b>	<b>142</b>	<b>112</b>		<b>96</b>			

3.4 This table shows the different types of cases that the team deal with. The statistics show that the highest number of cases dealt with continue to be those relating to investigating unauthorised works at private dwellings where extensions may have been built to properties without obtaining the relevant planning permission or establishing if permission was required in the first place. Unauthorised works that relate to non residential premises and breaches of conditions are also the types of cases that the team deal with most often.

3.5 The figures also show that the team investigated less cases during Q1 of this year in comparison to Q1 in the previous financial year. However the difference is not

significant and reflects the often cyclical nature of when the team receives the complaints that it investigates.

- 3.6 It should be noted that since Planning Enforcement returned to the Development Management Team, High Hedges and untidy land complaints have remained with the Environmental Protection Team to deal with.
- 3.7 **Prosecutions** - There have been no prosecutions during quarter 1, however the injunctions that are in place continue to be monitored. There are also extant Enforcement Notices in place where the period for compliance is coming to an end and the site will be monitored further and may result in legal action in the future.
- 3.8 It must be emphasised that as the service of an enforcement notice and prosecution for non-compliance with its requirements is a last resort where all other forms of negotiation to resolve the issue has failed. A low number of prosecutions annually is what would be expected in the team and is not indicative of the team not performing as it should do.
- 3.9 **Appeals** - During the period 1<sup>st</sup> April 2022 to 30<sup>th</sup> June 2022, there has been no new enforcement appeals lodged with the Planning Inspectorate.

#### 4 Key Cases

- 4.1 Table 4 shows the cases that are complex cases that require more focus and time by the case officer. They may be at appeal stage, notice stage or of public interest.

**Table 4 – Key Cases**

<b>SITE</b>	<b>DESCRIPTION</b>
<b>Whitegate Stables, Coleorton Lane, Packington</b>	The site has an injunction order in place and an Enforcement Notice. The site has been given temporary approval for water and electricity supplies. Appeal has been lodged against the planning application refusal and the Enforcement Notice. No dates have been given as yet for the Appeal.
<b>Aylesbury Gardens, Newton Road, Sweptstone</b>	Planning application due to be determined, but there is a Judicial Review relating to the users of the site.
<b>Whitney Park, Shortheath Road, Moira</b>	This is a gypsy/traveller site and feedback from the Lead Local Flood Authority on the acceptability of the site for the use is awaited before considering the next steps. Also awaited are details of who live on the site. The submitted planning application has been amended to propose that the site can be used for non-travellers and this is still being considered.
<b>Brooks Lane, Whitwick</b>	No travellers on site. Injunction being adhered to, and the site is continuing to be monitored.
<b>Netherfield Lane, Hemington</b>	Injunction being adhered to and continuing to monitor the site past the final compliance date.

## 5 Member Queries Relating to Enforcement Matters

5.1 Table 5 shows the number of member enquiries received in each quarter.

**Table 5 – Member Queries**

2021/22						2022/2023				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
<b>Member Enquiries</b>	23	11	18	7	59	7				
<b>Responded to within 10 day timescale</b>	23	11	18	7	59	7				

5.2 When the enquiries are submitted through the Feedback process officers have 10 days to respond back to the query made by the Member and the statistics show that during Q1 of this financial year, only 7 member enquiries were received as opposed to the 23 in the same period in the previous year and all were responded to within the 10 day period. It must however be emphasised that the 10 day timescale relates to responding back to the initial query and is not intended to show that all cases which progress through to detailed investigations were resolved in this period.

## 6 Investigation of cases in line with the requirements of the Planning Enforcement Policy

6.1 Table 6 shows how the team performed in investigating their cases as per the timeframes as set in the planning enforcement policy.

**Table 6 – Performance in line with the requirements of the Planning Enforcement Policy**

2021/22					
	Q1	Q2	Q3	Q4	Total
<b>Acknowledged in writing within 3 working days</b>	111	77	102	91	381
<b>Initial site visit carried out within 21 working days of receipt of the initial complaint</b>	105	55	56	79	295

2022/23					
	Q1	Q2	Q3	Q4	Total
<b>Acknowledged in writing within 3 working days</b>	96				
<b>Initial site visit carried out within 21 working days of receipt of the initial complaint</b>	64				

6.2 The table shows that the team are consistent between Q1 of both financial years in acknowledging cases in 3 working days as is required by the enforcement policy. The number of cases investigated in Q1 of this current year is lower than in the previous year but remains consistent with that done throughout the remainder of the last financial year. It must be remembered that the high amount of investigations carried out in Q1 of the last financial year was as a consequence of the country emerging from the last Coronavirus lockdown and as such the lower figure achieved in Q1 of this financial year is not an indicator of the team underperforming and is consistent with what the team was doing in the remaining quarters of the last financial year.