

Title of Report	PLANNING ENFORCEMENT UPDATE Q2 2022/23	
Presented by	Dylan Jones Planning and Development Team Manager	
Background Papers	None	Public Report: Yes
Financial Implications	There are no financial implications that arise from this report	
Staffing and Corporate Implications	None	
	Signed off by the Director: James Arnold	
Legal Implications	None	
	Signed off by the Legal Advisor: Kate Hiller	
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 BACKGROUND

- 1.1 This report is to update Planning Committee members on the performance of the Planning Enforcement Team during Quarter 2 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.

Table 1 – Harm Scoring

	2021/22			2022/23	
	Q1	Q2		Q1	Q2
Urgent Case/Not Required	37	12		36	54
High Priority cases (score over 5)	36	34		11	7
Standard Priority case (score under 5)	28	10		14	8
No update (awaiting harm score)	3	11		3	5
Pending consideration (visit arranged but not completed or awaiting visit to be made)	13	18		32	37
Total	117	85		96	111

- 2.2 The table shows that in the second quarter of the 2022/23 financial year, the team has harm scored more cases than in Q1, although the number of cases isn't significantly greater.
- 2.3 There were more urgent cases that required investigation in Q2 and the number of cases pending a site visit remained similar between both periods.
- 2.4 The number of case harm scored in the same two periods in the previous financial year are on average similar to that completed in the same period in the current financial year, although it is noted that the team have more cases pending site visits in the current two periods over that seen in the same period in the previous financial year. This is attributed to team availability during the summer holiday break and also the departure of a member of the team for a different role in the Council.

3 PLANNING ENFORCEMENT CASE STATISTICS

Table 2 – Number of New Cases Opened

2021/2022				
Months/Year	No. of new cases opened	No. of cases older than 6 months	No. of cases older than 1 year	Total no. of live cases within each quarter
Q1	117	67	105	289
Q2	85	54	100	239

2022/23				
Months/Year	No. of new cases opened	No. of cases older than 6 months	No. of cases older than 1 year	Total no. of live cases within each quarter
Q1	96	72	112	307
Q2	111	120	87	280

- 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. The table also shows in the last column a running total between the quarters of the live cases that the team has.
- 3.2 The table shows that the team opened more new cases in Q2 with the number of cases exceeding 6 months also increasing over that in Q1. However, there are at the end of Q2 less cases over 1 year old with the team and the number of live cases has reduced by 27 cases which shows that the team are working hard to actively deal with and bring their cases to a conclusion.
- 3.3 Table 2 also shows that on average the number of new cases that are newly opened, are with us for 6 months and then over a year are similar for the two periods in both the current and previous financial year with no real trend to identify.
- 3.4 The types of breaches investigated during Quarters 1 & 2 are summarised in Table 3 below.

Table 3 – Types of Breaches Investigated

Type of breach	2021/22			2022/23	
	Q1	Q2		Q1	Q2
Breach of planning condition	17	6		17	28
Unauthorised works in conservation area	10	2		1	1
High hedges	2	2		0	4
Unauthorised works on a listed building	4	2		3	2
Not in accordance with approved plans	15	8		11	11
Unauthorised works on a protected tree	2	3		2	3
Unauthorised development – Domestic	37	27		23	33
Unauthorised development – Non domestic	7	10		18	13

Untidy land	0	0		2	0
Unauthorised advertisement	1	0		5	1
Material change of use	16	17		6	7
Advice	3	6		7	7
Breach of Section 106	0	1		0	0
Development Monitoring	3	1		1	1
Totals	117	85		96	111

- 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 relate 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. The remaining investigation types remain similar in number between both periods, although as stated earlier the total amount of cases received has increased in Q2 over that seen in Q1 but only marginally so.
- 3.5 When comparing the same period in the previous financial year, it is clear that the number of breaches of planning conditions have increased yet the numbers of unauthorised changes of use have declined between the years, although there is no real trend as to why this may be the case. The statistics do identify that the main investigation types as carried out by the team remain into works at domestic properties and whether these are permitted development or require planning permission.
- 3.6 **Prosecutions** - There have been no prosecutions during quarter 2, however the injunctions that are in place continue to be monitored. Cases continue to be monitored where there are Extant Notices in place.
- 3.7 **Notices** – A single Enforcement Notice and one Planning Contravention Notice have been issued during Q2. It must be emphasised that 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.
- 3.8 **Appeals** - During the period 1st July 2022 to 30th September 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

SITE	DESCRIPTION
Whitegate Stables, Coleorton Lane, Packington	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. Awaiting confirmation of dates.
Aylesbury Gardens, Newton Road, Swepstone	Planning application due to be determined, but there is a Judicial Review relating to the users of the site.
Whitney Park, Shortheath Road, Moira	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.
Brooks Lane, Whitwick	No travellers on site. Injunction being adhered to, and the site is continuing to be monitored. Planning application received but invalid
Netherfield Lane, Hemington	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			2022/23	
	Q1	Q2		Q1	Q2
Member Enquiries	15	9		7	5
Responded to within 10 day timescale	15	9		7	4*

* Please note that at the time of writing this report one of the Councillor queries is still outstanding and still within its 10 day response period.

5.2 When the enquiries are submitted through the Feedback process officers have 10 days to respond to the query made by the Member and the statistics show that all of the completed cases 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 short timescale.

5.3 When comparing figures between the same period in the current and last financial year it can be seen that queries received through the feedback system from members on enforcement matters have reduced, although for all of the periods listed above, the responses given back to our members has been given in the specified 10 day 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			2022/23	
	Q1	Q2		Q1	Q2
Acknowledged in writing within 3 working days	111	77		96	92
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55		64	59

6.2 The table shows that the team have been consistent in acknowledging cases in writing between Q1 and Q2 and that the number of cases acknowledged within the 21 day period remains relatively similar between the quarters.

6.3 When comparing the figures for the same period between the financial years, these show that that the number of cases acknowledged remains on average similar although less site visits in 21 days have been carried out in the first two quarters of the current financial year. This has been attributed to the number of cases received being marginally higher in this current financial year than in the previous one and is also attributed to staffing change and training commitments in the team which has

impacted on their ability to action as many cases in the same period in the previous financial year