

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## PLANNING COMMITTEE – 2022/23



<b>Title of Report</b>	<b>PLANNING ENFORCEMENT UPDATE Q3 2022/23</b>	
<b>Presented by</b>	Dylan Jones <b>Planning and Development Team Manager</b>	
<b>Background Papers</b>	None	<b>Public Report:</b> Yes
<b>Financial Implications</b>	There are no financial implications that arise from this report	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Director: James Arnold</b>	
<b>Legal Implications</b>	None	
	<b>Signed off by the Legal Advisor: Stephen James</b>	
<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 3 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**

	<b>2021/22</b>				<b>2022/23</b>		
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
<b>Urgent Case/Not Required</b>	37	12	43		36	54	27
<b>High Priority cases (score over 5)</b>	36	34	17		11	7	5
<b>Standard Priority case (score under 5)</b>	28	10	27		14	8	4
<b>No update (Awaiting harm score)</b>	3	11	24		3	5	5
<b>Pending consideration (visit arranged but not completed or awaiting visit to be made)</b>	13	18	31		32	37	15
<b>Total</b>	<b>117</b>	<b>85</b>	<b>142</b>		<b>96</b>	<b>111</b>	<b>56</b>

2.2 The table shows that in the third quarter of the 2022/23 financial year, less cases have been received for the team to harm score than in the previous two quarters. The amount harm scored is also less than that done in the same period in the 2021/22 financial year.

2.3 The reason for this is generally unknown but could be related to the concerns of residents and businesses in the district about the economy with less people building and altering their properties over earlier periods which is reducing the amount of planning complaints received by the Council.

### **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	310

<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>	111	120	87	280
<b>Q3</b>	56	75	127	290

- 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 those that have been with us for 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 team opened significantly less new cases in Q3 over that in the previous quarters of this financial year and through the same period in the previous financial year. A reduction in new cases coming in has allowed the team to review and deal with their older cases and there are now less cases older than 6 months than that seen in the previous quarter and the workload is now back to that seen in the first quarter of the year. However, the cases that are older than 6 months old are higher than the amount that were with the team in the 2021/22 financial year which reflects how busy the development industry was during the 2022/23 financial year and also the fact that the team lost an officer during the Q3 period.
- 3.3 Table 2 also shows that the number of cases that are older than a year old is the highest that is has been in any period at 127 cases although not significantly higher than the 120 cases seen in the same quarter in the previous financial year.
- 3.4 The total number of all live cases is at 290 in quarter 3 which is at a similar level to that seen in the earlier quarters of the year and in the previous financial year which indicates the level of workload that the team deal with during a year.
- 3.4 The types of breaches investigated during Quarters 1, 2 and 3 are summarised in Table 3 below.

**Table 3 – Types of Breaches Investigated**

	<b>2021/22</b>				<b>2022/23</b>		
<b>Type of breach</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
<b>Breach of planning condition</b>	17	6	23		17	28	7
<b>Unauthorised works in conservation area</b>	10	2	4		1	1	2
<b>High hedges</b>	2	2	0		0	4	0

<b>Unauthorised works on a listed building</b>	4	2	6		3	2	2
<b>Not in accordance with approved plans</b>	15	8	23		11	11	9
<b>Unauthorised works on a protected tree</b>	2	3	3		2	3	3
<b>Unauthorised development – Domestic</b>	37	27	30		23	33	21
<b>Unauthorised development – Non domestic</b>	7	10	23		18	13	10
<b>Untidy land</b>	0	0	0		2	0	0
<b>Unauthorised advertisement</b>	1	0	3		5	1	1
<b>Material change of use</b>	16	17	5		6	7	1
<b>Advice</b>	3	6	18		7	7	0
<b>Breach of Section 106</b>	0	1	4		0	0	0
<b>Development Monitoring</b>	3	1	0		1	1	0
<b>Totals</b>	<b>117</b>	<b>85</b>	<b>142</b>		<b>96</b>	<b>111</b>	<b>56</b>

- 3.5 This table shows the different types of cases that the team deal with. The statistics show that the highest number of cases continue to relate to investigating unauthorised works at private dwellings. It is also interesting to note that significantly less breach of condition cases was received during Q3 of this financial year over that seen in the earlier quarters of the year.
- 3.6 The cases received throughout this current financial year to the end of quarter 3 are lower than that seen in the same period of the 2021/22 financial year and as stated earlier, could reflect the economy impacting on both businesses and private individuals and the affordability of progressing with their schemes.
- 3.7 **Prosecutions** - There have been no prosecutions during quarter 3, however the injunctions that are in place continue to be monitored. Cases continue to be monitored where there are extant notices in place.
- 3.8 **Notices** – A single Enforcement Notice and one S330 Notice have been issued during Q3. 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.

- 3.6 **Appeals** - During the period 1<sup>st</sup> October 2022 to 31<sup>st</sup> December 2022, there has been one new enforcement appeals lodged with the Planning Inspectorate. This relates to the unauthorised siting of a caravan on land off Jeffcoates Lane, Swannington.

#### 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. The appeal hearing takes place in February 2023
<b>Aylesbury Gardens, Newton Road, Swebstone</b>	Planning application due to be determined.  Following an appeal against the decision to dismiss the application under section 288 of the Town and Country Planning Act 1990 for a statutory review of the 2018 appeal decision, the Court of Appeal has in October 2022 quashed the inspector's appeal decision made in April 2018 which refused to allow occupation of the site by the residents on a permanent basis. The case will now be reviewed by the Planning Inspectorate and a further hearing will be heard with new decision to be made on the appeal in the light of the Court of Appeal Decision.
<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. Planning application due to be determined.
<b>Netherfield Lane, Hemington</b>	Site visit to be arranged in January to check the site as the site is now under management by the owner's son.

#### 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**

	<b>2021/22</b>				<b>2022/23</b>		
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
<b>Member Enquiries</b>	15	9	18		7	5	8
<b>Responded to within 10 day timescale</b>	15	9	16		7	4	7

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 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 The figures show that the amount of enforcement related queries received from our members remains at a similar figure across the whole of the 2022/23 financial year and is less than that received in the 2021/22 financial year 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**

	<b>2021/22</b>				<b>2022/23</b>		
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
<b>Acknowledged in writing within 3 working days</b>	111	77	111		96	92	57
<b>Initial site visit carried out within 21 working days of receipt of the initial complaint</b>	105	55	81		64	59	41

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- 6.2 The table shows that the team have been consistent in acknowledging cases in time throughout the year.
- 6.3 Due to less cases being received in the Q3 period of this financial year; the team has been able to visit more sites proportionally than they did during the earlier quarters of the year or during the previous financial year to investigate and resolve the complaints.