

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 6 JUNE 2023



Title of Report	PLANNING ENFORCEMENT UPDATE Q4 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: Yes James Arnold	
Legal Implications	None apparent from this report. Legal advice is provided on enforcement matters on a case-by-case basis.	
	Signed off by the Legal Advisor: Yes Stephen James	
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 4 of the 2022/23 financial year, how this compares with the remainder of the year and also the performance achieved in the 2021/22 financial year. It also provides an opportunity to review the workload and the performance of the team in meeting its targets for investigating complaints against that which is specified in the Council’s Enforcement Policy in the 2022/23 financial year and how that compares with how the team performed in the previous financial year to identify any trends.

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.
- 2.2 To aid with clarity on this process, a copy of the harm scoring sheet is appended at the end of the report as Appendix 1.
- 2.3 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 an investigation happens immediately, or no breach is found on site and there isn't a case to investigate.

Table 1 – Harm Scoring of New Cases

	2021/2022					2022/2023				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Urgent Case/Not Required	37	12	43	59	151	36	54	27	48	165
High Priority cases (score over 5)	36	34	17	8	95	11	7	5	3	26
Standard Priority case (score under 5)	28	10	27	12	77	14	8	4	15	41
No update (awaiting harm score)	3	11	24	19	57	3	5	5	2	15
Pending consideration (visit arranged but not completed or awaiting visit to be made)	13	18	31	14	76	32	37	15	29	113
Annual Total					456					360

- 2.4 The table shows that the workload of the team in terms of the new cases that it has received has reduced in the 2022/23 financial year over that seen in the previous year. However, it must be remembered that the country had just come out of the Coronavirus lockdowns in the 2021/2022 period and as such development was booming across the

country at that time which resulted in a high number of investigations for the team. Things have changed in the 2022/23 financial year with the cost of living crisis which has reduced both personal and business income and as such there is now less money for individuals to modify their properties and develop land which has resulted in less cases for the enforcement team to investigate. Whilst the number of cases that the team have investigated has reduced, they are now back to a similar level to that seen pre-covid.

- 2.5 The table also shows that the number of cases that were pending consideration and awaiting a site visit increased quite significantly in the 22/23 financial year over the previous period and this was as a result of the team losing four staff members (one permanent and 3 agency staff) during this period. This caused resource issues for the two remaining team members in coping with the volume of work that the team were dealing with. The Team now have support from two new agency staff (Senior Enforcement Officer and an agency Compliance/Enforcement Officer) while recruitment for a permanent Planning Enforcement Team Leader and Planning Enforcement is currently taking place.

3 PLANNING ENFORCEMENT CASE STATISTICS

Table 2 – Number of live cases with the team

2021/ 22						2022/ 23				
Month	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		Month	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		Q1	96	72	112	307
Q2	85	54	100	239		Q2	111	120	87	280
Q3	142	60	120	310		Q3	56	75	127	290
Q4	112	46	120	287		Q4	97	139	81	317
Total	456	227	445	1125		Total	360	406	407	1194

- 3.1 Table 2 above shows the total number of cases with the team at any one time over the last two financial years. Specifically, it shows the number of new cases that the team has received (and shown as harm scored in table 1), the number of cases that have been with the team for over six months and also over a year. The table also shows in the last column the total amount of cases that the team has in each quarter with the overall total given for both financial years.
- 3.2 The table shows that the team has more cases that are older than 6 months in the 2022/23 financial year over that seen in the previous year which reflects the fact that over the last 6 months the team has lost 3 agency and a permanent staff member and was also unable to recruit to a vacant post due to the lack of suitable candidates.

However, to balance this out it was noted that nearly a hundred less new cases were received during the 2022/23 financial year over that received previously and that the total amount of live cases with the team has only increased by 69 during this period which is not a significant increase.

- 3.3 Whilst this report r relates to the 2022/23 financial year, it is important to note going forwards into the 2023/24 period that the team, as stated above, has now managed to secure an agency Senior Enforcement Officer and an agency Compliance/Enforcement Officer, and they are both with the two existing staff members actively dealing with cases so that a greater backlog is avoided and the older cases are cleared in a timely fashion.
- 3.4 The types of breaches investigated during Quarters 1 & 2 are summarised in Table 3 below.

Table 3 – Types of Breaches Investigated

2021/22						2022/23					
Type of breach	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	
Breach of planning condition	17	6	23	17	63	17	28	7	17	69	
Unauthorised works in conservation area	10	2	4	5	21	1	1	2	3	7	
High hedges	2	2	0	0	4	0	4	0	0	4	
Unauthorised works on a listed building	4	2	6	4	16	3	2	2	1	8	
Not in accordance with approved plans	15	8	23	15	61	11	11	9	29	60	
Unauthorised works on a protected tree	2	3	3	4	12	2	3	3	3	11	
Unauthorised development – Domestic	37	27	30	24	118	23	33	21	18	95	
Unauthorised development – Non domestic	7	10	23	20	60	18	13	10	9	50	
Untidy land	0	0	0	2	2	2	0	0	0	2	
Unauthorised advertisement	1	0	3	2	6	5	1	1	2	9	
Material change of use	16	17	5	10	48	6	7	1	8	22	

Advice	3	6	18	9	36		7	7	0	3	17
Breach of Section 106	0	1	4	0	5		0	0	0	0	0
Development Monitoring	3	1	0	0	6		1	1	0	4	6
Totals	117	85	142	112	456		96	111	56	97	360

3.5 This table shows the different types of cases that the team deal with. The statistics show that less investigations which relate to works at private domestic properties were carried out in the 2022/23 period over that seen in the previous year. This change again is likely to reflect the change in the finances of the country whereby lots of homeowners were completing works to their properties in the post covid period which resulted in more investigations, whereas in the 2022/23 financial year the cost of living crisis has impacted on personal finances and the number of domestic projects has reduced in this period.

3.6 The figures indicate that breach of condition investigations, development not in accordance with the approved plans and non domestic works investigations remained fairly consistent between the years whereas change of use, works in conservation areas and material change of use investigations reduced in the 2022/23 financial year over that seen previously which reflects the overall reduction in the amount of cases that the team has received in this period which potentially reflects the impact that the cost of living crisis has had on development across the country.

3.7 Table 4 - Prosecutions

2022/23				
Q1	Q2	Q3	Q4	Total
0	0	0	0	0

3.8 The table shows that no prosecutions have taken place during the 2022/23 financial year. This is due to the loss of staff from the team during this period which has limited the ability of the remaining team members to be able to progress as effectively with their workload as would have been desired. As stated above, this is now being resolved with new experienced agency staff who are currently in the team and adverts out to recruit for permanent experienced staff to ensure that the team is adequately resourced moving forward to deal with prosecutions as necessary.

3.9 Whilst no new prosecutions have been carried out during the above period, the team have continued to monitor the extant enforcement notices and injunctions that are in place.

3.10 Table 5 – Enforcement Notices

2022/23				
Q1	Q2	Q3	Q4	Total
0	1	2	0	3

3.11 The team has served 3 notices during the 2022/23 financial year period. Whilst the team haven't served a significant number of notices during this period, 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 and is not indicative of the team underperforming.

3.12 Appeals - During the period 1 January 2023 to 31 March 2023, 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 6 – 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. Appeals have been lodged against the planning application refusal and the Enforcement Notice. Hearing took place at the end of Feb 2023, awaiting decision.
Proposed site of Swan Lake Lodges, Spring Lane, Swannington	Site is for a proposed holiday lodges site, complaints have been received and this is being monitored by officers.
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 by Planning officers.
Brooks Lane, Whitwick	No travellers on site. Injunction being adhered to, and the site is continuing to be monitored. Planning application awaiting determination.
Netherfield Lane, Hemington	Site visit to be arranged again to continue to monitor the site, the site is now under management of 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 7 – Member Queries

2021/22						2022/23				
	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	TOTAL
Member Enquiries	15	9	18	24	66	7	5	8	11	31
Responded to within 10 day timescale	15	9	16	22	66	7	4	7	11	29

5.2 The figures show that the member queries which are submitted through the Feedback system has reduced by half in the 2022/23 financial year over that received in the previous period.

5.3 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 in the 2022/23 financial year 29 out of the 31 queries were responded to in time whereas all the 66 queries were responded to in the previous financial year. This reflects the temporary reduction in staffing in the team in the 2022/23 period which made it more difficult for the remaining team members to investigate and respond to queries as promptly as has been the case in previous years.

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	Q3	Q4	Total out of cases received	Q1	Q2	Q3	Q4	Total out of cases received
Acknowledged in writing within 3 working days	111	77	111	91	320	96	92	57	95	340
					456					360

Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55	81	80	321		64	59	41	51	215
					456						360

- 6.2 The table shows that the team acknowledged more cases in the 3 working day deadline in the 2022/23 financial year than it did in the previous year. 94% of the 360 total cases were acknowledged in the 2022/23 period compared to 70% of all cases in the previous year which is excellent performance considering the staffing pressures that the team were under in this period.
- 6.3 In terms of site visits, the numbers carried out during the last financial year were less than in the previous year as it reflects the reduction in the overall number of cases that were received. However, only 59% of the cases received in the 2022/23 financial year period were investigated in the 21 day period as required by the Council's Enforcement Policy whereas 70% were investigated in the 21 day period in the 2021/22 financial year period. Again, the reduction of members in the team in the 2022/23 period has impacted on the ability of the team to be able to deal with all workloads promptly and the team has also experienced difficulties during this period in being able to access land promptly due to not being able to contact the landowners to gain access. The performance of the team should however improve in the 2023/24 (current) financial year with the new agency staffing in post and the arrangements in place to permanently recruit to the vacant posts in the team.