

COMMUNITY SCRUTINY COMMITTEE - 8 FEBRUARY 2024

ITEM 8 – THE EFFECTIVENESS OF PLANNING ENFORCEMENT - UPDATE

ADDITIONAL PAPER

EXISTING HARM SCORING AND DRAFT PROPOSED PRIORITISATION METHOD

The main report sets out in paragraph 2.4 that the Planning Enforcement Team Leader is progressing with a new Local Enforcement Plan that is up-to-date and sets out a simpler prioritisation system compared with the existing harm scoring system. This additional paper provides details of the current harm prioritisation system and what is currently being considered as a draft proposed prioritisation method for members information.

Existing (as set out in the current adopted Planning Enforcement Policy)

The existing method of harm scoring is included in the Council's adopted Planning Enforcement Policy which is extracted below for reference:

The Harm Prioritisation System

- 6.1 The Harm Prioritisation System allows unauthorised development to be scored according to its 'Harm'. Each case will be scored following a set format in order to provide a consistent result. Scoring is based on a number of criteria including:
- Age of the breach
 - Is the development worsening or stable
 - Are there any safety or statutory nuisance concerns
 - Who is the complainant
 - Is there harm
 - Is there a breach of planning conditions
 - Is the development in a conservation area or affecting the setting of a listed building
 - If the development needs to be controlled by conditions
 - Non-compliance with local planning policy
- 6.2 A total must be reached via the scoring system once it has been established that a breach of planning control has occurred. Only complaints which score 5 or above will be investigated further, those with a lesser score will be informed of the breach and invited to regularise it. This scoring system is based on appropriate Government guidance and gives due consideration to all relevant legislation. In both cases the complainant is notified of our actions and in the case where no investigation is to be made a detailed explanation for the decision will be given.
- 6.3 All retrospective refusals of planning applications, together with complaints regarding criminal works (listed buildings, protected trees and hedgerows, advertisements and non-compliance with legal notices), where no judgement of harm is necessary, will automatically receive a full investigation.
- 6.4 Where there is no breach of planning control the case will be closed automatically and the complainant informed.
- 6.5 The local planning authority believes in firm but fair regulation. Underlying the Harm Prioritisation System are the principles of:
- Expediency
 - Proportionality

- Consistency
- Transparency
- Targeting
- Openness
- Helpfulness
- Procedures

Officer 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, the file will be closed accordingly.

| Points allocation | Score |
|--|--------------|
| Is the breach: worsening (1) Stable (0) | |
| Highway safety issue: Yes (1) No (0) | |
| Other safety issues: Yes (1) No (0) | |
| Causing a (potential) statutory nuisance: 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: Widespread (2) Local (1) None (0) | |
| Irreversible harm: Yes (1) No (0) | |
| Breach of planning condition: Yes (1) No (0) | |
| Conservation area Yes (1) No (0) | |
| Affecting the setting of a listed building Yes (1) No (0) | |
| Special exercise (If yes provide more details) Yes (1) No (0) | |
| Sensitive site (if yes provide more details) Yes (1) No (0) | |
| Undesirable precedent 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.

Draft proposed prioritisation method

Officers are currently progressing a new up to date prioritisation method to be adopted within the new Local Enforcement Plan to include:

- Three priority levels: High, Medium and Low; each with their own target for commencing the investigation or visiting the site (as required). This is considered to be a good indicator that the team is providing an efficient and responsive service, and is considered specific, measurable, achievable and realistic as a target, allowing for consistent reporting.

- Manages available resource and reserves capacity to deal with higher priority matters, as well as progressing historic cases and other projects. For example, an enforcement notice and subsequent appeal on one case can take up the majority of an officer's time.

The table below provides the target response times and example of developments in each category that will be proposed through the draft Local Enforcement Plan:

| Priority | Response target | Examples |
|---|-----------------|---|
| High (Potential to result in irreparable harm and may also constitute an offence) | 1 day | <ul style="list-style-type: none"> • Works to listed building • Works to protected trees • Demolition in a Conservation Area • Destruction of important hedgerow • Works relating to hazardous substances |
| Medium (Requires fairly prompt response but unlikely to result in irreparable harm in planning terms) | 2 weeks | <ul style="list-style-type: none"> • Works in a Conservation Area • Harm to setting of listed building • Development contrary to local planning policy • Development contrary to approved plans • Development that significantly impacts on amenity of public safety |
| Low (Requires investigation but not urgent) | 4 weeks | <ul style="list-style-type: none"> • Domestic development • Small businesses from home • Unauthorised advertisements • Other minor developments |

Members are advised that there is scope to review the table above as officers develop the Local Enforcement Plan.