

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – TUESDAY, 11 NOVEMBER 2025



Title of Report	PLANNING ENFORCEMENT MONITORING UPDATE Q3 and Q4 - 2024/2025 and Q1 and Q2 – 2025/2026
Presented by	Jim Wilmot
Background papers	Local Enforcement Plan
Public Report	Yes
Financial Implications	There are no financial implications that arise from this report.
Legal Implications	Signed off by the Legal Advisor: Yes
Staffing and Corporate Implications	The Local Enforcement Plan sets priorities for the team and how they will deal with their casework efficiently. Corporately, the plan sets out the Council's priorities on planning enforcement so that councillors, members of the public, and external organisations are clear in terms of what the team can enforce against and what the priority cases for investigation are.
	Signed off by the Head of Paid Service: Yes
Purpose of Report	To provide an overview of the work completed by the Planning Enforcement Team for Q3 and Q4 - 2024/2025, and Q1 and Q2 – 2025/2026.
	THAT PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.

1.0 Background

- 1.1 This report is to update Planning Committee members on the performance of the Planning Enforcement Team during Q3 and Q4 - 2024/2025 and Q1 and Q2 – 2025/2026.

2.0 Local Enforcement Plan

- 2.1 At the Council's Cabinet meeting on 22 October 2024 a new Local Enforcement Plan (Planning) was adopted. The new Local Enforcement Plan identifies what tools are available to the Council to enforce planning matters, sets out how planning

enforcement cases will be dealt with and also provides a simple priority system for dealing with cases.

- 2.2 Since adoption of the Local Enforcement Plan and following the recruitment of a new Planning and Development Enforcement Team Leader, training was delivered to Parish Councils on 16 January 2025 and to members on 6 March 2025. The training provided an overview of the key points within the Local Enforcement Plan, along with details of the Planning Enforcement Team's 'toolkit' used to enforce planning breaches, an insight into caseloads and the types of planning breaches the team are currently dealing with. The training was welcomed by the Parish Councils and members alike.
- 2.3 The Planning Enforcement Team have been working on reducing caseloads, which has enabled the team to move cases forward or recommend case closures in line with the Local Enforcement Plan.

3.0 Member Feedback at Local Enforcement Plan Training

- 3.1 Members felt that reports to Planning Committee needed to focus on examples of cases rather than just on the number of outstanding cases the team are currently dealing with.

In addition, members asked to be provided with the following information:

- Examples of where cases have been closed, resolved or enforced rather than just figures as previously reported to Planning Committee; (See section 6 of this report).
 - The type of breaches being raised e.g. unauthorised development, breach of conditions, changes of use, Unauthorised works to protected trees. (See section 7 of this report).
- 3.2 Members also felt that communication with members from Planning Enforcement officers could be improved. To achieve this and monitor staff performance, priority targets have been implemented within our in-house ICT systems which will be monitored in line with the 'Priority timescales' set out in the Local Enforcement Plan.
- 3.3 Acknowledgement letters to complainants are generated when a case is logged which set out how each case will be dealt with in line with the priority targets set out in the Local Enforcement Plan. The case officer will then communicate regularly with complainants, including members, to update them on the progress of the investigation.
- 3.4 It is important to note that meeting priority timescales can sometimes be difficult to maintain currently as Planning Enforcement caseloads still remain high, this is due to a backlog of cases, some of which are extremely complex and time consuming, which the team are actively working on, new queries being received on a daily basis and a vacant position within the team. Recruitment to this post will take place in the coming months.
- 3.5 Members felt that there should be a more streamlined approach to reporting breaches online and officers have been working with the Council's Customer Experience team to improve the online forms. This will be further updated in the

future as part of the ongoing corporate project to review and update the Council's website.

4.0 Planning Enforcement Case Statistics

- 4.1 The tables below provide details of the number of cases being dealt with in the last four quarters.
- 4.2 Table 1 below shows the number of new cases opened by the team by quarter, the number of cases closed by the team per quarter and the number of closures where the breach has been resolved or there was no breach found, or the case was not expedient to pursue. The table also shows in the last column a running total of the live cases that the team has open.

Table 1 – Number of New Cases Opened

2024/25					
Months/Year	No. of new cases opened	No. of cases closed with breach resolved	No. of cases closed with no breach/ not expedient	Cases closed	Total no. of live cases at the end of each quarter
Q3 – October 24 – December 24	63	7	41	48	245
Q4 – January 25 – March 25	79	15	70	85	244

2025/26					
Months/Year	No. of new cases opened	No. of cases closed with breach resolved	No. of cases closed with no breach/ not expedient	Cases closed	Total no. of live cases at the end of each quarter
Q1 – April 25 – June 25	64	29	90	121	165
Q2 – July 25 – September 25	78	13	81	96	147

- 4.3 Table 1 shows that the team are continuing to receive significant numbers of new cases and are investigating and closing off cases at a good rate which shows that the team are working hard to actively deal with enquiries and bring their cases to a conclusion.

- 4.4 Table 1 illustrates that the overall load of open cases continues to decrease with 98 fewer live cases from Q3 2024/2025 to Q2 2025/2026. This is a significant improvement given that at the beginning of 2024 the team had nearer to 300 live cases. The team are continuing to work hard to reduce overall case numbers towards a more manageable level.

5.0 Examples of Planning Enforcement Cases

- 5.1 Some examples of cases where breaches have been closed, resolved or enforced against are provided below –

- Alleged material change of use - A report was received that car repairs were taking place at a residential property in Coalville. An officer attended the property and found that the owner did not realise planning permission was required. The owner acknowledged the possible breach and all works taking place to cars at the address have ceased.
- Adverts – A report was received that a shop in Castle Donington was displaying several advertisements which required consent. A Planning Enforcement Officer worked alongside the shop owner to regularise the unauthorised adverts via an application for consent and relocating some of the adverts to locations which fell under deemed consent.
- Alleged unauthorised built development – It was reported that some alleged unauthorised fencing adjacent to the highway exceeding 2m in height in Hugglescote. A Planning Enforcement Officer worked alongside the owner to remedy the breach by requiring the fence to be reduced to 1m in height, falling in line with permitted development rights. The owner complied within the timescales required and the breach was resolved.
- Breach of condition – A query was raised regarding insufficient tree protection measures for trees protected by a Tree Preservation Order (TPO) at a construction site. An urgent site visit was carried out and the developer quickly remedied the breach of planning control by implementing the correct tree protection measures on site.
- Breach of condition – A report was received of contractor's vehicles not being parked in an area approved under a construction management plan that was a condition of a planning permission in Ashby de la Zouch. Although the enforcement team cannot insist that these vehicles are parked in the approved area, the site manager has contacted all contractors to advise that they should park in the approved area.
- Unauthorised adverts – A report was received of banners having been installed on lamp posts at a construction site in Hugglescote. An application was subsequently submitted by the developer which was approved.
- Breach of condition – A report was received of manure being stored at a site in Coleorton that did not comply with a condition of the planning permission. Following discussions with the applicant's agent, the manure is now being stored in compliance with the condition.

- Breach of condition – Reports were received of windows having been installed in a new dwelling in Castle Donington and extensions in Ashby de la Zouch that did not comply with the requirements of conditions for them to be obscure glazed and non-opening up to specific height above the internal floor level, causing impacts on privacy. Following discussions both windows were installed in accordance with the conditions.

5.2 The Planning Enforcement team also receive queries that may not relate to planning matters, these are now logged in the ICT system as 'Advice' cases so the team can actively monitor the amount of officer time spent on these types of enquiries. In Q1 2025/2026 the team received 16 of these types of enquiries with 45 being received in Q2 2025/2026. The reason for the difference in the numbers between these two quarters is likely to be due to this being a new process that has taken a few months to be embedded into working practices.

6.0 Breakdown of Types of Cases Received for Q1 and Q2 2025/2026

6.1 A breakdown of the types of cases that were received in Q1 and Q2 2025/2026 is set out below. The means of producing this information is only available for these periods onwards due to information relating to each type of case now being recorded in the ICT system that was not possible in the past.

- Unauthorised development (Non-Domestic) – 11 cases raised – These types of cases are raised where alleged 'unauthorised development' has taken place that is non-residential, i.e. commercial or alleged development on land.
- Unauthorised development (Domestic) – 23 cases raised – These types of cases are raised where alleged 'unauthorised development' has been carried out at dwellings or flats for example, an unauthorised extension which doesn't fall within the parameters of permitted development rights.
- Breach of planning conditions – 13 cases raised – These cases are raised where developers/owners are alleged to be in breach of planning conditions on a planning permission.
- Build not in accordance with the approved plans – 7 cases raised – These are cases where a development is allegedly different from the plans that were approved under the planning permission.
- Change of use – 11 cases raised – These cases consist of both domestic and non-domestic properties or land and often relate to the alleged change of use of a shop or someone working/ running a business from home.
- Unauthorised works to listed buildings – 6 cases raised – Complex historic building investigations which remain ongoing.
- Works to protected trees – 5 cases raised – These cases relate to alleged works to trees protected by a Tree Preservation Order (TPO) or trees in a conservation area.
- Unauthorised adverts – 5 cases raised – These cases relate to situations where adverts have allegedly been installed that do not comply with the Advertisement Regulations or that need advertisement consent.

- Advice cases – 61 cases raised – These types of cases are recorded when officers have spent time answering enquiries, mainly received via the Enforcement email inbox, that may not relate to a planning enforcement matter, but it is not clear when the enquiry is first received or where the enquiry did not warrant a case being raised. Examples of these types of cases can be enquiries relating to boundary disputes, environmental issues, works within the public highway or where a public right way of way is being obstructed, however, due to the time spent on these types of enquiries, the team have begun logging them to calculate the amount of officer time spent.

7.0 Key Cases

- 7.1 **Prosecutions** - There have been no prosecutions during Q3 or Q4 2024/25 or Q1 and Q2 2025/25. Prosecutions can only be undertaken in certain circumstances, e.g. when an Enforcement Notice is breached or unauthorised works are undertaken to listed buildings or protected trees. Prosecution is usually a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.2 **Injunctions** – No injunctions have been made during Q3 or Q4 2024/25 or Q1 and Q2 2025/25. The injunctions that are in place continue to be monitored. Injunctions are reserved for the most serious cases where the breach is causing significant harm. The court will consider if an injunction is a proportionate remedy compared to other potential actions and will look at the specific circumstances, and the Council must demonstrate that it is necessary or expedient to seek the injunction.
- 7.3 **Notices** – One Planning Enforcement Notice has been issued, during Q3 2024, when a Breach of Condition Notice was served. Cases also continue to be monitored where there are extant notices in place. It must be emphasised that the service of an Enforcement Notice is a last resort where all other forms of negotiation to resolve the issue have failed.
- 7.4 **Appeals** - One new enforcement appeal has been lodged with the Planning Inspectorate, which relates to an Enforcement Notice served in Q2 2024. The appeal is ongoing, and a decision has not yet been issued by the Planning Inspectorate. This relates to 'Land adjacent to the A453 Trunk Road, Green Lane, Kegworth.
- 7.5 On 6 February 2025, a decision was made by the Planning Inspectorate in respect of an appeal against an Enforcement Notice which had been served on Bardon Truck Park on 15 March 2024. Following a five day public inquiry, the appeal was dismissed and upheld in the Council's favour, therefore requiring the use of the site as an unauthorised truck park to cease. The case is now closed, with the appellant adhering to all conditions and timescales set by the Planning Inspectorate.

8.0 Priority Response Targets

- 8.1 The Local Enforcement Plan identifies four different priority response settings for commencing investigations upon receiving complaints. These response times are dependent upon the potential impacts and seriousness of the alleged breach of planning control. These priorities are set out below along with the results for Q1 and Q2.

Top Priority

- 8.2 Top priority cases are those which are considered most harmful in planning terms and could lead to irreparable harm. Some of these matters, if founded, could also constitute a criminal offence for which the Council may prosecute. These include:
- Current unauthorised works to a listed building;
 - Current unauthorised works to protected trees (trees protected by a Tree Preservation Order (TPO) or by being within a Conservation Area);
 - Current removal of an important hedgerow;
 - Current demolition of a building within a Conservation Area; and,
 - Unauthorised works relating to hazardous substances.
- 8.3 The Council will aim to commence investigations on top priority cases within one working day, and where possible, on the same day as the enquiry is received.
- 8.4 In Q1 there were 2 top priority complaints, and the target was hit 50% of the time.
- 8.5 In Q2 there was 1 top priority complaint, and the target was missed.

High Priority

- 8.6 These include:
- Breaches of either Listed Building or Conservation Area controls not coming into the Top Priority category;
 - Breaches of the requirements of an Enforcement Notice or a Breach of Condition Notice;
 - Unauthorised development, which without intervention would be nearing immunity from enforcement action by virtue of the 4 or 10 year rules (see appendix A for changes brought in by the Levelling Up and Regeneration Act);
 - Unauthorised advertisements, which constitute a potential highway safety.
- 8.7 The Council will aim to commence investigations on high priority cases within three working days of the enquiry being received.
- 8.8 In Q1 there were 4 high priority complaints, and the target was hit 75% of the time.
- 8.9 In Q2 there was 2 high priority complaints, and the target was hit 100% of the time.

Medium Priority

- 8.10 Medium priority cases are those where there is still potential for significant harm in planning terms, but it is unlikely that there is irreparable harm, or the immediacy required compared to high priority cases. These include:

- Anything listed in the high priority category that is not current or it is clear that there is no immediate risk;
- Unauthorised works in the setting of a listed building;
- Development that contravenes local planning policy, and development that significantly impacts on amenity or public safety;
- Unauthorised works within a Conservation Area; and,
- Deviations from planning permissions in terms of not according with approved plans/details or breaching conditions imposed.

8.11 The Council will aim to commence investigations on medium priority cases within 14 days of the enquiry being received.

8.12 In Q1 there were 13 medium priority complaints, and the target was hit 92% of the time.

8.13 In Q2 there was 22 medium priority complaints, and the target was hit 95% of the time.

Low Priority

8.14 Low priority cases as those which are likely to present a low level of harm in planning terms and make up a large proportion of the enquiries received. These include:

- Domestic developments;
- Small business operating from domestic properties;
- Unauthorised advertisement, and;
- Other minor development.

8.15 The Council will aim to commence investigations on low priority cases within 28 days of the enquiry being received.

8.16 In Q1 there were 47 low priority complaints, and the target was hit 98% of the time.

8.17 In Q2 there was 52 low priority complaints, and the target was hit 95% of the time.

8.18 This is the first time that these figures have been recorded and reported. It is generally very positive to see response time rates of more than 90% being achieved for High, Medium and Low Priority cases. Clearly the number of Top Priority cases are an extremely small sample size, but work will be undertaken to stress the need to respond immediately when these complaints are received.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Planning and regeneration - Communities and housing - A well-run council
Policy Considerations:	Local Enforcement Plan
Safeguarding:	None identified
Equalities/Diversity:	An Equalities Impact Assessment has been prepared for the Local Enforcement Plan and the potential impacts that were identified have been addressed and mitigated against in the plan.
Customer Impact:	The changes that have been implemented following the adoption of the Local Enforcement Plan have improved the service offered by clarifying what the Planning Enforcement Team can investigate and how this will be undertaken by officers reduce the potential for unjustified complaints. Clarity is also now provided as to how customers can make complaints to simplify the process.
Economic and Social Impact:	Effective planning enforcement of the planning will enhance public confidence in the planning system. Improved perception of the service and integrity of the planning system more widely brings social benefits.
Environment, Climate Change and zero carbon:	Improvements to service effectiveness will lead to environmental and climate change benefits as breaches of planning control involving these considerations will be better remedied.
Consultation/Community Engagement:	None identified
Risks:	None identified
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