

Title of Report	PLANNING ENFORCEMENT MONITORING UPDATE Q3 and Q4 - 2025/2026
Presented by	Jenny Davies Planning and Development Team Manager
Background papers	Local Enforcement Plan
Public Report	Yes
Financial Implications	There are no financial implications that arise from this report.
Legal Implications	There are no legal implications that arise from this report. Signed off by the Monitoring Officer: 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 Director of Place: Yes
Purpose of Report	To provide an overview of the work completed by the Planning Enforcement Team for Q3 and Q4 – 2025/2026.
Recommendations	THAT 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 Q3 and Q4 – 2025/2026.

2 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 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 two vacant positions within the team. Recruitment to these posts is ongoing.
- 3.5 Members felt that there should be a more streamlined approach to reporting breaches online and officers have worked with the Council's Customer Experience team to improve the online planning enforcement reporting form. This will be further updated in the future as part of the ongoing corporate project to review and update the Council's website.

4 Planning Enforcement Case Statistics

- 4.1 The table below provides details of the number of cases being dealt with in the last two 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 and Closed

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
Q3 – October 25 – December 25	45	7	9	16	161
Q4 – January 26 – March 26	58	12	12	24	181

- 4.3 Table 1 shows that the team are continuing to receive significant numbers of new cases, although the number of new cases during both quarters was lower than in each of the preceding four quarters. The team has investigated and closed off fewer cases than in the previous four quarters. However this reflects that the team were dealing with a very high number of live cases at the end of Q4 2024/25 (244) compared to at the end of Q4 2025/26 (181), and that a significant amount of work has gone into progressing and closing cases (in particular older cases) to bring caseloads down to lower levels, which shows that the team are working hard to actively deal with enquiries and bring their cases to a conclusion.
- 4.4 Table 1 also illustrates that case numbers have increased which correlates with an increase in active highly complex cases which are very time consuming and have a significant impact on the team's ability to deal with and close other investigations.

5 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 a residential dwelling had been converted to a House in Multiple Occupation (HMO). Site inspection confirmed that the property was now a HMO but was occupied by four people with shared facilities. Planning permission is not required to change from a C3 dwelling to a C4 small House in Multiple Occupation occupied by not more than six people.

- Alleged unauthorised built development – It was alleged that domestic fencing had been erected between properties in excess of two metres in height. A site visit confirmed this. Discussion with the homeowner led to the reduction in height of the fence and the resolution of the breach of planning control.
- Breach of condition – A query was raised regarding an alleged breach of a construction management condition at a housing development. The complaint alleged the developer was accessing the site through an unapproved access causing disruption to residents. A site visit confirmed this and discussions with the developer led to the breach being resolved quickly.
- Breach of condition – Reports were received about a pergola erected in the rear garden of a dwelling. The structure measured in excess of permitted development regulations and was therefore a breach of planning control. Following discussions with the site owner a planning application was received and subsequently retrospectively permitted.

6 Breakdown of Types of Cases Received for Q3 and Q4 2025/2026

6.1 A breakdown of the types of cases that were received in Q3 and Q4 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) – 17 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) – 15 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 – 9 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 – 22 cases raised – These are cases where a development is allegedly different from the plans that were approved under the planning permission.
- Change of use – 21 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 – 7 cases raised – Complex historic building investigations which remain ongoing.
- 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.
- Alleged Breach of S106 agreement – 1 case - These cases relate to possible breach of contract for failure to comply with the requirements of legal agreements with the Council under Section 106 of the Town and Country Planning Act.

- Advice cases – 6 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 Key Cases

- 7.1 **Prosecutions** - There have been no prosecutions during Q3 and Q4 2025/26. 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 2025/26. 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 Enforcement Notice was issued during Q4 2025/26, 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** - No enforcement appeals were submitted during Q3 or Q4 2025/26.

8 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 Q3 and Q4.

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 Q3 there were two top priority complaints and the target was hit 50% of the time.

8.5 In Q4 there was six top priority complaints and the target was hit 66% of the time.

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 Q3 there were no high priority complaints.

8.9 In Q4 there was one high priority complaint, 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 Q3 there were four medium priority complaints, and the target was hit 100% of the time.

8.13 In Q4 there were six medium priority complaints, and the target was hit 83% 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 Q3 there were 39 low priority complaints, and the target was hit 92% of the time.
- 8.17 In Q4 there was 45 low priority complaints, and the target was hit 93% of the time.
- 8.18 It is very positive to see response time rates of more than 90% being achieved for High and Low Priority cases, with response times of 100% in Q3 and 83% in Q4 for Medium Priority cases. Further work is needed to ensure that Top Priority cases are responded to within one day.

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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