

Committee: Planning
Date: 8 June 2022
Title: Planning Enforcement Team Update
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Purpose

1. The Planning Committee will recall receiving an information item at Planning Committee on 27 October 2021. That item drew attention to the PEER Review of Planning carried out by The East of England Local Government Association (EELGA) and the implementation plan that accompanied it.
2. The report recommends actions under themes called pathways. One of these pathways relates to Planning Enforcement. Monitoring of progress with the pathways is taking place regularly with the Interim Director of Planning in consultation with the portfolio Holder for Planning. Formal reports on progress go to Scrutiny and Cabinet.
3. The overarching objective in the Enforcement Theme/Pathway is to promote greater public understanding of the roles and responsibilities, powers and procedures of the planning enforcement service. There are also actions around streamlining internal processes which are currently in progress.
4. The Planning Committee were advised of the Council's Planning Enforcement Policy in March, training for both officers and Members on Planning Enforcement were also undertaken in March along with a Parish Forum where the main topic was the Planning Enforcement Policy. This is to provide the Planning Committee with information regarding the structure of the team, the average number of investigations a year, project work that is being undertaken and the current number of open investigations.
5. Below are the numbers of cases investigated and closed in financial years 17-18, 18-19, 19-20, 20-21, 21-22, 22-23.

Year	Number of cases opened in the year	Number of cases closed in the year (those received in the same year)
2017-2018	403	408 (278)
2018-2019	331	368 (230)
2019-2020	329	318 (263)

2020-2021	298	274 (179)
2021-2022	292	209 (135)
2022-2023	44	31 (5)

6. Planning Enforcement prioritise the investigations into 4 categories as set out in the Planning Enforcement Policy. These categories are A - Top Priority, B - High Priority, C - Normal Priority and D – Other Priority.

Year	Priority				
	A	B	C	D	High Hedge
2017-2018	6	52	336	9	
2018-2019	9	49	273		
2019-2020	3	66	259		1
2020-2021	3	61	198	35	1
2021-2022	3	41	192	55	1
2022-2023		7	37		

7. Before an investigation is opened the information submitted to the Council is reviewed and there is a 'triage' process which means that not all referrals that we receive are logged as formal enforcement investigations. This happens when it is clear that it is not a breach of planning control or where we can identify that planning permission has been granted, the alleged breach is de-minimus that it is not expedient to pursue, is clearly outside the remit of planning enforcement or the referral is from an anonymous source and does not fall within our criteria set out in the Planning Enforcement Policy.
8. We currently have 280 open files which are at various stages of investigation, there are 5 with extant enforcement notices, 10 with pending planning applications.
9. There reasons for closing a file off are that there is no breach, that compliance has been achieved and the breach has ceased either through formal enforcement action or through negotiation; that planning permission has been granted or that it is assessed as not being expedient to pursue, either because planning permission is likely to be granted or the breach is a technical or minor

breach. Below is a table showing the reasons in percentage of why a file has been closed in that period.

Year file was closed	Reason to close case in %				
	No breach	Compliant	Planning permission granted	No further action-Not expedient to pursue	Other
2017-2018	50	38	1	10	1
2018-2019	42	38	3	16	1
2019-2020	34	27	6	32	1
2020-2021	45	22	20	12	1
2021-2022	38	27	24	11	
2022-2023	100				

10. The purpose of Planning Enforcement is to regularise the breach of planning control and formal action should only be taken where negotiations have failed, or the breach is so significant it is appropriate to do so. A good example of an investigation which was closed due to compliance without the need for formal enforcement action was an unauthorised change of use of land for airport parking at the rear of a residential property. When the council were made aware of the alleged breach there were in excess of 300 vehicles parked on the land. The owner of the land was made aware that this change of use was in breach of planning control and was advised to cease the use or the Council would consider taking formal enforcement action. The owner of the land ceased the unauthorised use and a compliance check by an officer confirmed that the use has ceased and the breach remedied.

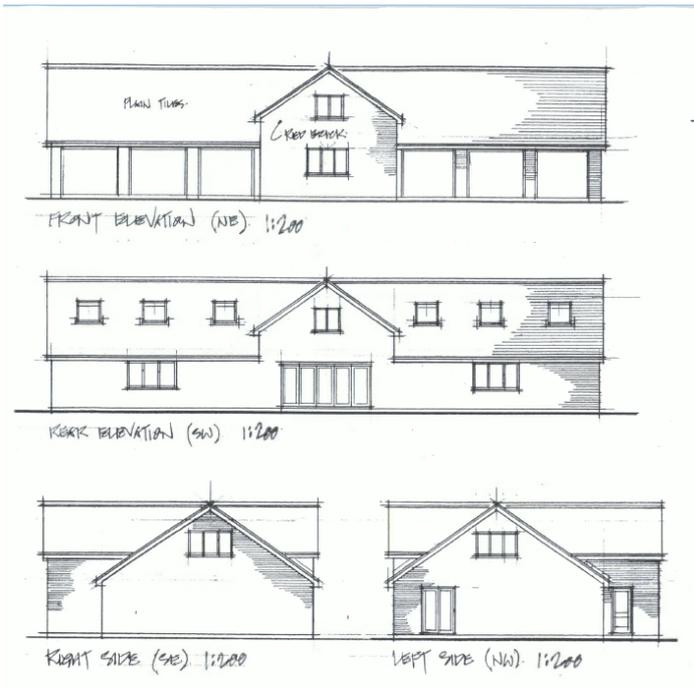


Before



After

11. A good example of a breach being remedied through formal enforcement action is the erection of a large garage block in the countryside. The owners sought retrospective planning permission to retain the building which was refused and the appeal against the refusal was dismissed. The owners then sought planning permission in a modified form which also was refused, and the Council took formal enforcement action. An appeal against the planning enforcement notice that the compliance period specified in the notice is insufficient to carry out the requirements of the notice was dismissed. The building has now been demolished in its entirety by the owners of the land and the breach has been remedied.



Before



During demolition

Recommendations

12. It is recommended that the Committee notes this report for information.