

**Committee:** Planning  
**Date:** 14<sup>th</sup> December 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. This is to provide an update on work that the Planning Enforcement Team have carried out in the financial year 2022-2023 to date.
5. In May of this year I provided an update which included cases which were investigated and closed within the financial years 17-18, 18-19, 19-20, 20-21, 21-22, 22-23. This update is to provide just the figures from this financial year so include the figures that were included in the figures provided to you in May for the figures from the 22-23 financial year.

<b>Year</b>	<b>Number of cases opened in the year</b>	<b>Number of cases closed in the year (those received in the same year)</b>
2022-2023	177	187 (78)

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.

	<b>Priority</b>				
<b>Year</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>High Hedge</b>
2022-2023		25	151	1	

7. The file that has been put down as a priority D is related to a Breach of Condition Notice that Essex County Council have served and by law Uttlesford District Council need to show it on our Section 188 register and Local Land Charges.
  
8. 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 270 open files which are at various stages of investigation, there are 9 with extant enforcement notices, 1 Breach of Condition Notice, 18 with pending planning applications. There are three appeals against enforcement notices which have been submitted with the Planning Inspectorate but no start date letter has been received. The Council are looking at taking further legal action against 4 sites for various reasons. As they are in the process no further information can be provided.
  
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.

	<b>Reason to close case in %</b>				
<b>Year file was closed</b>	<b>No breach</b>	<b>Compliant</b>	<b>Planning permission granted</b>	<b>No further action-Not expedient to pursue</b>	<b>Other</b>
2022-2023	45	26	13	16	1

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.
11. The Council received a referral that a vacant parcel of land was being used for residential purposes and that a number of structure had been erected on the land including one building which benefited from a log burner. The erection of a dwelling and the use of the land for residential was refused due to its previous use and possible contamination. The investigating office contacted the owner of the land who lives out of the district and had only been made aware that someone had entered their land and erected these structures when the investigation was commenced. During the course of the investigation, it transpired that the person who entered the land was arguing ownership through adverse possession, which is a civil matter and falls outside of the planning remit. The structures were however in breach of planning control and the use of the land for domestic purposes was confirmed. With eh assistance of the council the owner of the land was able to take civil action and have the site cleared and the person removed.
12. One current case that the Council are investigating is the gutting of a Grade II listed building and the installation of a subframe. This work was unauthorised and therefore a criminal offence has occurred. The team were made aware of the situation by a Development Management officer who undertook a site visit in relation to a planning application and a Listed Building Consent application. The Planning Enforcement case officer along with the Conservation Officer have carried out an Interview Under Caution pursuant to PACE to gather evidence of who is responsible for carrying out the works. Those who carry out the works and also those who authorise the works are liable for prosecution. Along side this avenue of investigation the Council are also seeking remedial action to ensure the safety of the building.

## **Recommendations**

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