

Planning enforcement update as of 13th June 2024

As part of the recent Development Management restructure, the Planning Enforcement function has been reorganised to bring a more efficient and resilient way of working. This is now in place.

As the clearing of the backlog in planning applications is progressing well, additional resource will soon be moved back to help deliver the enforcement function and placed in the new team structure.

A working partnership with the Neighbourhood enforcement team has been established and their officers are now gathering intelligence in relation to planning enforcement cases to save officer time and increase efficiency.

Publishing Planning Enforcement Notices has been a way to keep DC committee members aware of what enforcement activity has taken place by the planning enforcement officers. However, this does not reflect the overall enforcement activity undertaken within the wider development management team and the dedicated enforcement staff.

As well as continuing to provide DC committee members with details of Planning Enforcement Notices served, the below table provides an indication of the workload being handled within the team.

Enforcement case statistics for April to mid June

Cases received and validated for an enforcement investigation	67
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Cases closed in the same period.	115
Reasons for cases closed.	
No Breach of planning control found	20
Below intervention threshold*	67
Breach removed through negotiation	26
Planning enforcement Notices served	2

*i.e. where no or very limited planning harm is found; or it is not in the wider public interest to take further action. In such cases the team would, for example, invite a planning application to regularise the situation.

Also included is the planning enforcement position update that was shared previously in the appendices.

Briefing Note for DC committee – Planning Enforcement (PE) position

This briefing note provides a brief overview of outcomes, ongoing activity and resourcing.

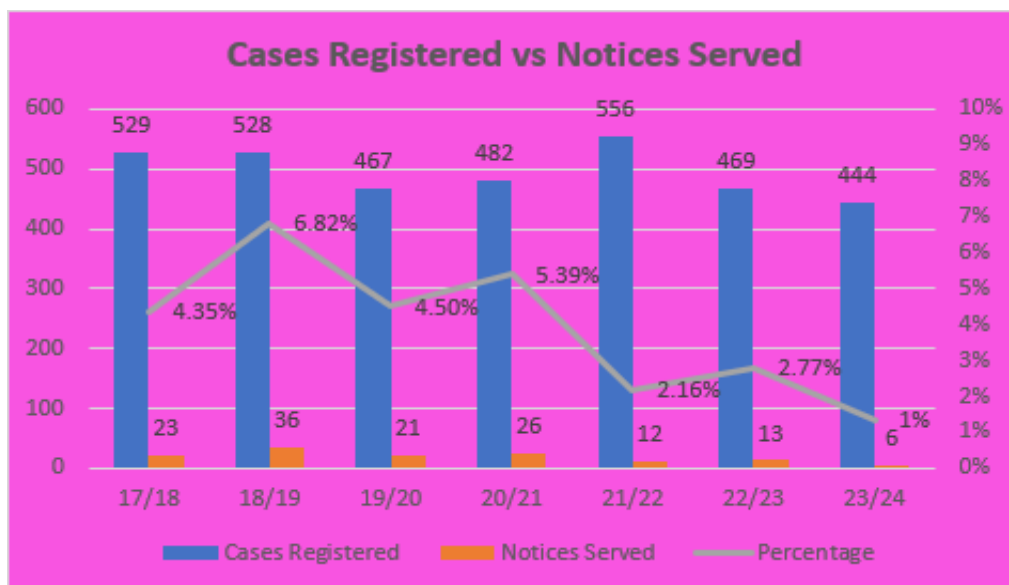
Staff resource in PE is currently limited; having lost a senior enforcement officer and graduate officer in the last year. As consecutive recruitment rounds to replace a senior planning enforcement officer in the last 8 months were unsuccessful, staff in post is currently 1.5 FTE plus the team leader. An agency resource had been brought in to help for 6 months but the cost of this is high and therefore not been continued.

Enforcement is not fee earning and budget needs to be taken from planning applications to fund enforcement function.

The major focus of the wider Development Management team has been to clear the backlog of planning applications. Putting additional resource into Enforcement by transferring two graduates has been planned once we expect the Development Management service to be in a sufficiently well performing position. We currently estimate to be able to make this change in late spring/early summer.

We recognise that there have been less Planning Enforcement Notices presented on recent DC committee agendas. However, active enforcement work is going on within the context of the resource currently available.

The table below shows cases that have been registered against previous years and the number of notices served.

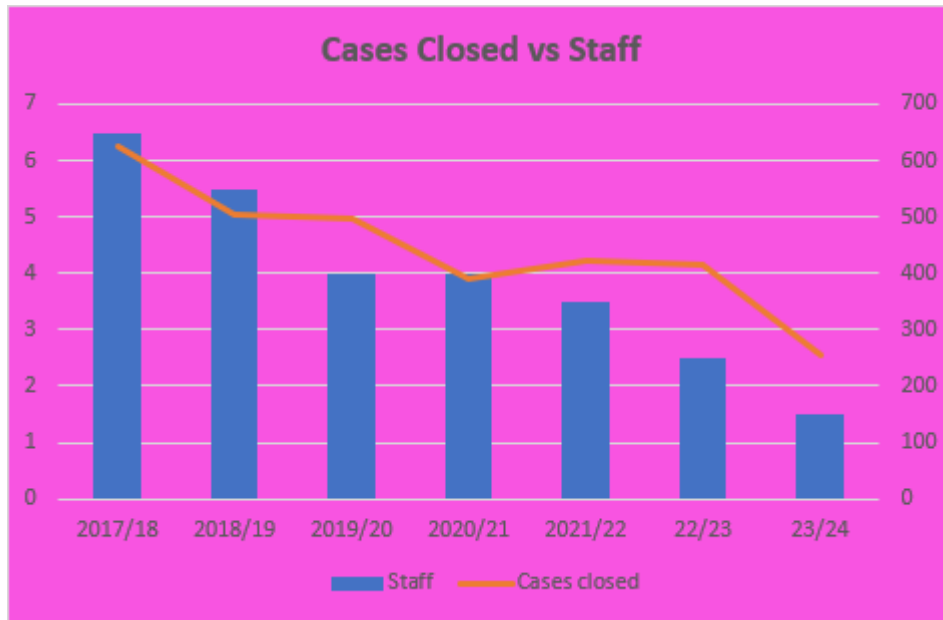


Note –23/24 is correct up to partway through Feb.

The cases registered do not include the triage work carried out by officers which is the decision to set up a planning enforcement case.

Because of the DM back log there has been an increase in the number of reports re development that does not have permission as the relevant application has been held up in the back log. This again has caused additional work for the team at the triage stage and is not currently measured.

The table below show the number of cases being closed against the resource available.



Note –23/24 is correct up to partway through Feb.

We recognise that there has been a drop in the number of cases closed year on year; however, this is attributed to the resource that is currently available and as noted above the increase in general enforcement enquiries linked to the backlog of DM applications.

The DM service has also had a period of time in this year with no Tree Officers in post. Therefore, there has not been expert support in this area to take forward tree cases. The consequence of no tree officers in post has also meant that there have been some tree applications which have become deemed approved which has also hampered planning enforcement intervention which would have otherwise been possible. Tree Officer resource is now in place, and we will see improvements in this regard.

Officers note that enforcement work has been continuing with the current resource working hard within its capacity to do so. There has been a number of cases investigated resulting breaches being remedied or closed where no ongoing planning harm exists. Note also that there are cases ongoing that will result in further serving of notices, as well as two prosecutions that are being progressed with legal colleagues. Officers have also had respond to 12 appeals of Notices served; 8 of which have been successfully dismissed, with the three allowed, and one quashed.

To improve the current position of the Planning Enforcement workload, officers have been working on several initiatives which we expect will improve efficiency. These are: -

- A joint working initiative with Neighbourhood Enforcement team colleagues has recently been set up and is being trialled helping gather data on enforcement reports and save Planning officer time in evidence gathering.
- Changes to our enforcement webpage to improve data collection to aid the flow of relevant information to make the triage assessment of a case more efficient.
- Setting a priority case closing system for historic open cases based on the likely planning harm balanced against expediency. This approach will also be tested and applied against new incoming work and allow the team to focus on cases that are of the most significance.
- Additionally, resource into the team will be increased in the Summer as noted above. The plan will be two additional officers.

As noted, we are making positive changes to current working practices by enforcement officers. We hope that these improvements and additional resource will allow more progression of cases and allow officers time to progress more serious cases effectively were expedient.