

Development Management Enforcement Sub-Committee

Date of meeting: 21st October 2024

Title of Report: Development Management Enforcement update

Report of: Executive Director – Place

Cabinet Portfolio: Planning Policy and Development Management

Key Decision: No

Confidentiality: Non-Exempt

Purpose of report

1. To provide the Development Management Enforcement Sub-Committee with an update on a number of current planning enforcement cases.

Recommendation

2. That Planning Enforcement Sub-Committee notes the updates of the cases as set out in Appendix 1.

Background

3. The Council has a duty to investigate complaints about development, including building and engineering works and changes of use, that may have been carried out without the necessary permission or consent.
4. Effective planning enforcement is a useful tool in tackling breaches that would otherwise have had an unacceptable impact on amenity in the district and to help maintain the integrity of the development management process.
5. There are a range of enforcement powers available to the Council, however whether the Council takes any enforcement action is a discretionary matter. When considering taking any formal action the Council must consider if it is expedient to do so having had regard to the Development Plan and any other material considerations including the Local Enforcement Plan. It is also necessary to weigh up in each case whether taking Enforcement Action is in the public interest.
6. Taking formal Enforcement Action should be regarded as a last resort and many breaches of planning control can be resolved informally without action being taken. For example, retrospective planning permission can be obtained, or Officers may be able to negotiate to ensure the breach cease.
7. Councillors are often the public face of the Council and Member involvement in planning matters is crucial in maintaining an effective enforcement service. This report has therefore been prepared to provide an update on a number of cases.
8. Whilst taking formal enforcement action by serving Enforcement Notices or other actions can be high-profile what often gets overlooked is the amount of

work involved in collaboratively resolving cases without the need for formal action which has resulted in a breach ceasing or being regularised.

Main issues

9. Number of Service Requests

Between 1 January to 31 March the enforcement team received 24 requests to investigate alleged breaches of planning control from customers.

Between 1 April and 30 June the enforcement team received 45 requests to investigate alleged breaches of planning control from customers.

Between 1st July to 30th September the enforcement team received 60 requests to investigate alleged breaches of planning control from customers.

Number of service requests

	2018/19	2019/20	2020/21	2021/22	2022/23	2024/25
Q1 April-June	80	90	79	109	56	45
Q2 July- September	77	87	102	60	47	60
Q3 October - December	55	67	85	49	41	
Q4 January - March	60	72	55	67	56	

In previous years the number of service requests spiked, particularly during the Covid-19 pandemic. Since that time there has been a steady reduction and more manageable plateau. It remains fair to say that there are complex cases on the system still and these can include multiple interested parties to relay updates to.

10. Number of cases closed and resolution

When a request to investigate an alleged breach of planning control is received, the case is prioritised by the Enforcement Team Leader in accordance with the Council's Local Enforcement Plan:

Priority 1 – High priority

Investigation commenced (site visit where appropriate) in up to 2 working days

A breach of planning control causing, or likely to cause, serious harm to the natural or historic environment or to public safety unless an immediate response is made, for example:

- demolition or alteration of a Listed Building,
- demolition of a building within a Conservation Area,

- works to trees protected by a Tree Preservation Order or within a Conservation Area, and
- any unauthorised development/activity/operation, falling within planning control that presents an immediate and serious danger to the public.

Priority 2 – Medium Priority

Investigation commenced (site visit where appropriate) in up to 10 working days

- development not in accordance with the approved plans or material beaches of planning conditions during the construction process,
- development causing serious harm to the amenity of nearby residents, e.g. through impact on privacy or outlook,
- unauthorised development that has a significant adverse impact on the character of an area,
- commencement of works without clearing conditions precedent,
- advertisements in sensitive areas,
- non-compliance with planning conditions, and
- untidy sites.

Priority 3- Low Priority

The team's ability to pursue low priority cases will be dictated by the total number of cases under investigation and the number of pending high and medium priority cases. During periods that the team have a large number of cases or significant number of high/medium priority cases the team will be unable to progress those reports deemed to be low priority. The team will set out indicative timeframes for progressing low priority investigations in their communications with you.

Breaches of planning control that cause limited or no harm to the environment or residential amenity, for example:

- residential and other development marginally above permitted development tolerances,
- minor works including fences, walls, small extensions,
- boundary treatments,
- aerials and antennae on dwelling houses,
- development not being built in accordance with approved plans, where the differences are less significant and less likely to result in amenity problems, and
- unauthorised advertisements in less sensitive locations.

Once the initial investigation has been completed, officers make a recommendation on the case.

13. There are currently 160 live cases pending consideration and 41 cases with notices issued.
14. The team are busy and in the last quarter have:
 - Issued 4 x Planning Contravention Notices (PCNs)
 - Received 60 new requests to investigate alleged breaches of planning control
 - Closed 160 cases
15. There are 4 live appeals relating to enforcement notices.

Corporate Governance Considerations

Relevance to the Corporate Plan

16. The Hart Corporate Plan 2023-2027 has three focus areas:
 - Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.
17. This is underpinned by providing a resilient and financially sound Council
18. The Hart Corporate Plan 2023-2027 provides a high-level strategic framework for the decisions we take. It describes our most important aims and the priority activities that we will focus on delivering. The Local Enforcement Plan helps to clarify how we will use the limited resources in the Planning Enforcement team wisely and focus on the priorities.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal? Yes

Legal and Constitutional Issues

19. There are no legal or constitutional issues raised by the recommendations in this report.

Financial and Resource Implications

20. There are no financial or resource implications associated with the recommendations in this report.

Risk Management

21. There are no risk management matters associated with recommendations in this report.

Equalities

22. There are no equalities matters associated with the recommendations in this report.

Climate Change Implications

23. There are no climate change implications matters associated with the recommendations in this report.

Action

24. It is recommended that the Committee notes the contents of this report.

Appendices

Appendix 1: Update on planning enforcement cases.