



<u>Committee and Date</u>	<u>Item</u>
Place Overview Committee	6
25th October 2021	Public

PLANNING ENFORCEMENT IMPROVEMENT PROGRESS

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1. Synopsis

The report is to advise members on the progress that has taken place over the last twelve months to focus on improving the delivery of the planning enforcement service. The key points covered will include: the progress made to date; increase in resources; the further improvements to be made over the next six months; promoting the positive outcomes better.

2. Executive Summary

- 2.1 Planning enforcement is one of the more difficult parts of the planning service. Officers are often having to deal with situations that are confrontational due to property owners potentially carrying out works that do not have planning permission, or with complainants that expect officers to be able to stop works immediately when carried out in breach of planning control. As a result of this, it is very hard to recruit to such roles and retain the staff. However, in Shropshire Council we now have a strong team and are committed to ensuring that the service offered will be responsive and provide the outcomes that demonstrate that we will not tolerate breaches of planning control where development is unacceptable.
- 2.2 In the last 6 months, the number of cases on-going have nearly halved and we have served more formal notices than previous years.

3. Recommendations

- 3.1. That members note and endorse the report.
- 3.2. That members advise of any further improvements that may be made to the service.

REPORT

4. Risk Assessment and Opportunities Appraisal

4.1. This is an information report

5. Financial Implications

5.1. There are no financial implications as a direct result of this report

6. Climate Change Appraisal

6.1. There are no climate change implications as a direct result of this report.

7. Background

7.1 What is planning enforcement?

Planning enforcement is a process to investigate cases where development without planning permission is potentially taking place and to ensure that development with planning permission takes place in accordance with the approved plans and planning conditions.

7.2 Planning enforcement is a discretionary function and the council will take a proportionate approach in responding to alleged breaches of planning control. The impacts of any unauthorised development are assessed at an early stage and the case prioritised accordingly. The Councils focus will be on those cases where the impacts are significant.

7.3 It is recognised that public confidence in the planning system would be quickly undermined if development is not monitored or unauthorised development is allowed to proceed without intervention by the Local Planning Authority. The Council has the primary responsibility for taking enforcement action in the public interest, having regard to the risk and harm arising from the alleged breach. In this respect the approach taken by Shropshire Council is to seek relevant information from complainants at an early stage. This will help prioritise the case, and officers will work with complainants and other relevant parties to identify possible resolutions quickly, having regard to the wider public interest.

7.4 **Progress and resources**

Over recent years, Shropshire Council has not adequately resourced the service and over time, the number of cases did increase and the speed of resolving enforcement matters declined, which impacted on public confidence and frustration that unauthorised development took place and action was slow and/or ineffective. As a result of these concerns, approval was given in the last budget setting in 2020/21 to add two additional permanent posts to the team. This has provided the much needed support to be able to focus on

keeping on top of day to day complaints, but also providing experienced officers time to be able to progress with formal action on the more complicated cases that have not been tackled for years.

7.5 Below sets out the progress made over the last 12 months:

Cases Closed:	
No Breach:	504
Technical Breach:	168
Application submitted:	80
Breach Voluntary solved:	60
Acceptable Development:	25
Invited Application – Conditions:	25
Formal Action:	13
Total:	875

Current Cases on hand	
North:	107
South:	169
Total:	276

Cases received Per Area:	
North:	379
South:	328
Total:	707

Number of notices served.	
Section 330	3
Planning contravention Notice	1
Enforcement Notice	9
Untidy Land	2
Temporary stop notice	2
Stop Notice	2
Total	19

7.6 It is important to note that since March 2021, the number of cases on hand have reduced from 446 to 276 (as of the 30th September 2021), and work continues to reduce and assess the outstanding cases, with priority on the older cases

7.7 There have been a number of further improvements to the service. This has included acknowledgement of complaint at the point of receipt, rather than officers trying to assess the complaint on receipt. This was resulting in a frustration on the complainants part as they were unclear whether their complaint had been received, resulting in a lot of unnecessary progress chasing. The team have also been concentrating on dealing with cases that had become stuck in the system due to their complexity or challenging nature.

The consequence of this is that a small number of cases have become immune from action due to the time period taken to deal with them, which is acknowledged as unacceptable. Officers have, therefore, been systematically working through these. There have also been some cases where difficult decisions have had to be taken that should have been taken years ago, and unfortunately due to the time taken, has built up an expectation that action could be taken. It is the intention to have a clear position on all of these cases during the next six months of our improvement journey.

- 7.8 One of the other significant pieces of work is the update to the planning enforcement protocol. The document is currently being finalised so that it can go to Cabinet for approval to consult. This will set out performance standards that the customer can expect and how different types of complaints are dealt with. Following completion of the consultation stage, it will then be finalised for adoption.
- 7.9 It should also be noted that there is a strong misconception about planning enforcement work. It is a reactionary service, ie. we cannot take action on the basis that someone may carry out works without planning permission. We cannot take action on works that would have been acceptable had an application been submitted. Enforcement action cannot be used to punish residents that should have applied for planning permission. This often causes annoyance to residents and members who want action taken as a penalty. Planning enforcement is very often dragged into civil matters and the Council will be very clear that it will not get involved in cases such as this, to properly manage expectations.
- 7.10 There is a requirement that any enforcement action is expedient and proportionate. This means that the harm caused must be assessed, and if it is minimal, the Council should not proceed with action. It would not, for example, be proportionate to take action against someone who has erected a fence 100mm higher than 2 metres just because it needs planning permission.

8. Conclusions

- 8.1 Shropshire Council has put a commitment into planning enforcement work by increasing the resources in the team by 40%, sending a strong message to members of the public that it will not tolerate breaches of planning control that are unacceptable by being robust with action where necessary and setting out an up to date enforcement protocol.
- 8.2 The team are continuing to implement the changes identified above and to tackle the more challenging cases to bring these to a conclusion as soon as possible. The team is also confident that the planning enforcement function will continue to improve, and that Members and the public will soon see and hopefully appreciate the outcome of this.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Cllr Ed Potter

Local Member - All

Appendices

[Please list the titles of Appendices and provide a link to the Sharepoint site where the document is located]