

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date: 23rd July 2014

Report of: Peter Hooley – Planning & Enforcement Manager

Title: Performance of the planning enforcement service during 2013/14

WARDS AFFECTED

All

EXEMPT/CONFIDENTIAL ITEM

No

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide the Strategic Planning Board with information relating to the activities and performance of the Council's planning enforcement service during 2013/14, including a status report on those cases where formal enforcement action has already been taken.
- 1.2 Members are requested to note the content of the report

2.0 BACKGROUND

2.1 Introduction

The Enforcement Task and Finish Group recommended that a summary of the performance of the planning enforcement service be reported half yearly

As a precursor to the first report that will be presented in November this year, this report sets out the information for 2013/14 to provide a current overview.

The Council's planning enforcement service continues to be extremely busy responding to reports of suspected breaches of planning control. Staffing levels have been reduced for lengthy periods during the last three years due to a number of secondments to assist with dealing with planning applications and a period of maternity leave.

Nonetheless, the service has strived to provide an excellent service to local residents and Members and believes it has achieved this.

Officers are busy actioning the other recommendations of the Enforcement Task and Finish Group which includes developing new performance measures and targets for inclusion in a revised Planning Enforcement Protocol.

Once these measures have been finalised and adopted, the data can begin to be collected and reported to Members in future reports

2.2 Report Format

The information contained in this report is divided into three sections:

Section 3.1 provides a summary of investigative activity and formal enforcement action undertaken during 2013/14. It also contains details of accumulation of cases that remain open and 'in hand' from previous years.

Section 3.2 provides an update those cases where formal enforcement action has been authorised and taken place.

Section 3.3 Advises on future reports

3.0 REPORTED INFORMATION

3.1 This section of the report contains statistical data relating to:

- a) The number of enforcement cases opened during 2013/14 together with a breakdown of the types of cases - **See Table 1**
- b) The number of enforcement cases closed during 2013/14 together with a breakdown of the reasons for closure – **See Table 2**
- c) The numbers of enforcement cases that are still open and 'in hand' as the end of 2013/14 (as at 31st March 2014) – **See Table 3**

- d) The amount of formal enforcement action take during 2013, together with a breakdown of the type of action taken – **See Table 4**

Table 1: Input of Planning Enforcement Cases in 2013/14

Type of Input (Investigation type)	Amount of Input	
	Number of Cases	Percentage
Unauthorised Building Works	338	45%
Unauthorised Change of Use	163	22%
Non Compliance with Planning Conditions	162	21%
Illegal Display of an Advertisement	44	6%
Untidy Land	24	3%
Unlawful Works to Protected Trees (TPO's)	11	1.5%
Unauthorised Deposit of Waste	6	Combined 1.5%
Unlawful Demolition	4	
Non Compliance with an Enforcement Notice	2	
Removal of Tree in Conservation Area	1	
Total	755	

Table 1 provides a breakdown of the 755 enforcement cases that were opened in 2013/14.

It can be seen that the more than two thirds of cases relate to buildings works and changes of use of land and buildings. Cases concerning non compliance with planning conditions constitute less than a quarter of all the reported cases and relate mostly to working/opening hours, tree protection, obscurely glazed windows and landscaping schemes

Table 2: Outcomes of Planning Enforcement Cases Closed in 2013/14

Type of Outcome (Reason for Closure)	Amount of Output	
	Number of Cases	Percentage
No breach/Permitted Development	264	46%
Breach Regularised Voluntarily through Negotiation	134	23%
Breach Regularised by granting Retrospective Planning Permission	104	18%
Not expedient to take any formal action	51	9%
Immune from formal action	13	2%
Other (formal notice complied with or special circumstances)	12	2%
Total	578	100%

Table 2 shows a breakdown of the outcome (reason for closure) of all cases that were closed in 2013/14. This includes cases that were opened in previous years as well as in 2013/14.

The data shows that 46% of investigations resulted in no breach of planning control being found. In the 54% of cases where a breach was found to have occurred:-

- 43% were regularised voluntarily through negotiation;
- 33% were granted retrospective planning permission;
- 16% were not causing any demonstrable planning harm and therefore it was not expedient to take formal enforcement action
- 8% were either immune from enforcement action or were complied with after formal enforcement action had been taken

Table 3: Enforcement Cases in Hand at end of 2013/14

Year	Number of Cases Opened in the Year	Cases still open as at 31 st March 2014	
		Number Of Cases	Percentage
2009/10 (Cheshire East formed)	607	113	17%
2010/11	612	154	25%
2011/12	938	248	26%
2012/13	894	280	31%
2013/14	755	407	54%
Total	3806	1202	31%

Table 3 shows the number of new cases opened each year and the number of cases for each year that were still outstanding at the end of 2013/14. The purpose of reporting this information is to demonstrate the number of incoming cases each year and the accumulation of older cases from the current and previous years that make up the number of cases in hand.

The figure of 1202 cases does not include cases carried over from the legacy authorities. Work is being undertaken to identify and prioritise these.

Table 4: Summary of Formal Enforcement Action Taken in 2013/14

Type of Formal Enforcement Action	Output
	Number
Planning Contravention Notices issued	28
Enforcement Notices issued	9
Temporary Stop Notices issued	1
Breach of Condition Notices issued	2
Untidy Land Notices issued	3
Injunctions/Court Orders obtained	1
Prosecutions where verdict secured	1

Table 4 shows the amount of formal enforcement action taken in terms of the number of Notices issued, Injunctions/Orders obtained and prosecutions secured. Information relating to work on enforcement appeals and ongoing legal proceedings is included in the Appendix to this report that provides an update on

those cases where formal enforcement action has been authorised and taken place.

The table does not reflect the work that is undertaken to prepare reports, formal Notices collation of evidence and witness statements for legal proceedings which are not issued or are abandoned at the last minute due to compliance being achieved. This work is resource intensive, but becomes 'hidden/lost' work when formal enforcement action and legal proceedings are halted at a late stage.

3.2 Update on formal enforcement action already taken

Whilst most cases are resolved without formal action, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal Notice.

The Appendix contains 65 cases. These comprise 33 new cases that have been added since the last update. Out of the 33 new cases, 25 have already been closed. The remaining cases on the Appendix are awaiting the outcome of an appeal, are not yet due to be complied with, are the subject of legal proceedings or being reviewed to decide the next course of action due to non compliance.

The cases are listed in Ward order

3.3 Future Reports

The next report will be presented to the meeting on 12th November 2014 and will contain information for the first two quarters of 2014/15

4. **RISKS ASSOCIATED WITH THE PROPOSED DECISION**

There are no risks

5. **OTHER IMPLICATIONS**

Financial	-	None
Staffing	-	None
Legal	-	None
Assets	-	None
Policy	-	None
Sustainability	-	None
Equality	-	None
Crime and Disorder	-	None
Other implications	-	None

6. APPENDICES

Appendix 1 – Status report on cases where formal enforcement action has been taken.

7. BACKGROUND PAPERS

Any background papers used to complete this report and are available for public inspection for four years from the date of the meeting from the Contact Officer(s) named above.

Background papers used: None

For further information:

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