

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date: 10th December 2014

Report of: David Malcolm – Principal Planning Manager

Title: Performance of the Planning Enforcement Service during for Quarters 1 and 2 of 2014/15

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 quarters 1 and 2 of 2014/15, 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

This is the first of those reports and follows a preceding report in July 2014 that provided an overview of performance for the year 2013/14

The report highlights the significant volume of work within the planning enforcement service, with 416 new investigations undertaken within the 6 month reporting period.

The report demonstrates the action being taken by the service to enforce planning control in Cheshire East.

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

Officers continue to be busy actioning the recommendations of the Enforcement Task and Finish Group which includes developing new performance measures and targets for inclusion in a revised Planning Enforcement Protocol and publishing an online Enforcement Register.

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 the first two quarters of 2014/15. 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 the first two quarters of 2014/15 together with a breakdown of the types of cases - **See Table 1**
- b) The number of enforcement cases closed during during the first two quarters of 2014/15 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 the 2nd quarter of 2014/15 (as at 30th September 2014) – **See Table 3**

- d) The amount of formal enforcement action take during the first two quarters of 2014/15, together with a breakdown of the type of action taken – **See Table 4**

**Table 1: Input of Planning Enforcement Cases between
1st April and 30th September 2014**

Type of Input (Investigation type)	Amount of Input	
	Number of Cases	Percentage
Unauthorised Building Works	200	48%
Unauthorised Change of Use	81	19%
Non Compliance with Planning Conditions	87	21%
Illegal Display of an Advertisement	26	6%
Untidy Land	9	2%
Unlawful Works to Protected Trees (TPO's)	6	2%
Unauthorised Deposit of Waste	4	Combined 2%
Unlawful Demolition	2	
Non Compliance with an Enforcement Notice	1	
Removal of Tree in Conservation Area	0	
Total	416	100%

Table 1 provides a breakdown of the 416 enforcement cases that were opened between 1st April and 30th September 2014.

It can be seen that the around 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.

The total percentage of cases involving advertisements, unauthorised works to trees, unlawful demolition and non compliance and Enforcement Notice amounts to 12%

**Table 2: Outcomes of Planning Enforcement Cases Closed between
1st April and 30th September 2014**

Type of Outcome (Reason for Closure)	Amount of Output	
	Number of Cases	Percentage
No breach/Permitted Development	177	48%
Breach Regularised Voluntarily through Negotiation	78	21%
Breach Regularised by granting Retrospective Planning Permission	61	17%
Not expedient to take any formal action	26	7%
Immune from formal action	13	3.5%
Other (formal notice complied with or special circumstances)	12	3.5%
Total	367	100%

Table 2 shows a breakdown of the outcome (reason for closure) of all case that were closed between 1st April and 30th September 2014. This includes cases that were opened in previous years as well as this period.

The data shows that 48% of investigations resulted in no breach of planning control being found. In the 52% of cases where a breach was found to have occurred:-

- 41% were regularised voluntarily through negotiation;
- 32% were granted retrospective planning permission;
- 14% were not causing any demonstrable planning harm and therefore it was not expedient to take formal enforcement action
- 13% 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 2nd Quarter of 2014/15

Year	Number of Cases Opened in the Year/Period	Cases still open as at 31 st March 2014		Cases still open as at 30 th September 2014		
		Number of Cases	%	Number of Cases	%	Reduction in Number Since 31/3/2014
2009/10 (CEC formed)	895 (607) *	188 (113) *	21% (17%) *	187	21%	1
2010/11	754 (612) *	233 (154) *	30% (25%) *	229	30%	4
2011/12	938	248	26%	220	23%	28
2012/13	894	280	31%	232	26%	48
2013/14	755	407	54%	293	39%	114
Total as at 31st March 2014	4652 (3806) *	1356 (1202) *	29% (31%) *	1161	25%	195
Q's 1+2 2014/15	416	-	-	244	59%	-
Total as at 30th September 2014	5068	-	-	1405	28%	-

Table 3 shows the number of new cases opened each year since the formation of Cheshire East Council and the number of cases for each of those years that were still outstanding at the end of the 2nd quarter of 2014/15 (at 30th September 2014). The same data for the end of 2013/14 is carried over for comparative purposes. It should be noted that the figures in brackets and marked with a * were incorrect figures that appeared on the reported presented to Members in the preceding report in July. The incorrect figures arose from a problem with the software reporting tool. The corrected figures appear directly above the incorrect figures

The purpose of reporting this information is to demonstrate the number of incoming cases each year /period and the accumulation of older cases from the current and previous years that make up the number of cases in hand.

The figure of 1405 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 between 1st April and 30th September 2014

Type of Formal Enforcement Action	Output (Number)
Planning Contravention Notices issued	12
Enforcement Notices issued	9
Temporary Stop Notices issued	1
Breach of Condition Notices issued	1
Untidy Land Notices issued	5
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 the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, 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 41 cases. These comprise 13 new cases that have been added since the last update. A breakdown on the status of the 41 cases is as follows:-

- 5 have already been closed
- 3 are the subject of active legal proceedings
- 8 are not yet due for compliance
- 6 are the subject of an appeal and an appeal decision is awaited
- 19 await site visit to check for compliance, are pending a decision on next course of action or are being prepared for commencement of legal proceedings or other action.

The cases are listed in Ward order

3.3 Future Reports

The next report will be presented to the first available meeting in May or June 2015 and will contain information for the second 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:

Portfolio Holder: Councillor Don Stockton

Contact Officer: Debbie Kirk – Principal Planning Officer (Enforcement)

Tel No: 01625 383765

Email: Debbie.kirk@cheshireeast.gov.uk