

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date: 29th July 2015

Report of: Peter Hooley – Planning and Enforcement Manager

Title: Performance of the Planning Enforcement Service for Quarters 3 and 4 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 3 and 4 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

The first of those reports was presented in December 2014.

The report highlights the significant volume of work within the planning enforcement service, with 330 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.

The service is implementing the recommendations of the Enforcement Task and Finish Group which includes developing new performance measures and targets for inclusion in a revised Planning Enforcement Policy and publishing an online Enforcement Register.

The new performance measures have been finalised and will be applied to cases opened from 1st July 2015 onwards. These measures have been incorporated into the revised Planning Enforcement Policy that is currently being finalised and is expected to be published within the next few weeks.

Officers and CoSocius are making significant progress with the online Enforcement Register and it is expected that this will be live before the end of the year

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 second two quarters of 2014/15. It also contains details of the 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 second 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 the second 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' at the end of 2014/15 (31st March 2015) – **See Table 3**

- d) The amount of formal enforcement action taken during the second 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 October 2014 and 31st March 2015

Type of Input (Investigation type)	Amount of Input Q's 3 and 4 2015	
	Number of Cases	Percentage
Unauthorised Building Works	126	38%
Unauthorised Change of Use	62	19%
Non Compliance with Planning Conditions	92	28%
Illegal Display of an Advertisement	24	7%
Untidy Land	16	5%
Unlawful Works to Protected Trees (TPO's)	6	2%
Unauthorised Deposit of Waste	2	Combined 1%
Unlawful Demolition	2	
Non Compliance with an Enforcement Notice	0	
Removal of Tree in Conservation Area	0	
Total	330	100%

Table 1 provides a breakdown of the 330 enforcement cases that were opened between 1st October 2014 and 31st March 2015.

It can be seen that the around under two thirds of the new cases relate to buildings works and changes of use of land and buildings. Cases concerning non compliance with planning conditions constitute just over 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 15%

Table 2: Outcomes of Planning Enforcement Cases Closed between 1st October 2014 and 31st March 2015

Type of Outcome (Reason for Closure)	Amount of Output	
	Number of Cases	Number of Cases
No breach/Permitted Development	98	44%
Breach Regularised Voluntarily through Negotiation	43	19%
Breach Regularised by granting Retrospective Planning Permission	54	24%
Not expedient to take any formal action	21	9%
Immune from formal action	6	3%
Other (formal notice complied with or special circumstances)	3	1%
Total	225	100%

Table 2 shows a breakdown of the outcome (reason for closure) of all cases that were closed between 1st October 2014 and 31st March 2015. This includes cases that were opened in previous years as well as this period.

The data shows that 44% of investigations resulted in no breach of planning control being found. In the 56% of cases where a breach was found to have occurred:-

- 34% were regularised voluntarily through negotiation;
- 42% were granted retrospective planning permission;
- 17% were not causing any demonstrable planning harm and therefore it was not expedient to take formal enforcement action
- 7% 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 2014/15

Year	Number of Cases Opened in the Year/Period	Cases still open as at 31 st March 2015	
		Number of Cases	%
2009/10 (CEC formed)	607	85	14%
2010/11	612	122	20%
2011/12	939	202	21%
2012/13	895	222	25%
2013/14	759	253	33%
Total as at 31st March 2014	3812	884	23%
New Cases in 2014/15	748	402	54%
Total as at 31st March 2015	4560	1286	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 of 2014/15 (at 31st March 2015).

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 1286 cases does not include cases carried over from the legacy authorities. Work is ongoing to identify and prioritise these.

**Table 4: Summary of Formal Enforcement Action Taken between
1st October 2014 and 31st March 2015**

Type of Formal Enforcement Action	Output (Number) Q's 3+4 2015	Total for 2014/15
Planning Contravention Notices issued	11	23
Enforcement Notices issued	6	15
Temporary Stop Notices issued	0	1
Breach of Condition Notices issued	0	1
Untidy Land Notices issued	0	5
Injunctions/Court Orders obtained	1	1
Prosecutions where verdict secured	2	3

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 48 cases. These comprise 12 new cases that have been added since the last update. A breakdown on the status of the 48 cases at 30th June 2015 is as follows:-

- 13 have already been closed
- 4 are the subject of active legal proceedings
- 5 are not yet due for compliance
- 4 are the subject of an appeal and an appeal decision is awaited

- 22 await site visit to check for compliance, are being monitored for ongoing 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 in December 2015 and will contain information for the first two quarters of 2015/16.

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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