

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD REPORT

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Date: 16<sup>th</sup> December 2015

Report of: Peter Hooley – Planning and Enforcement Manager

Title: Performance of the Planning Enforcement Service for Quarters 1 and 2 of  
2015/16

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### 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 2015/16, 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

This report is the half yearly report on the performance of the planning enforcement service.

It highlights the significant volume of work undertaken within the planning enforcement service, with 446 new investigations undertaken within the 6 month reporting period, which represents an increase of 35% on the previous two quarters and demonstrates the action being taken by the service to investigate and enforce planning control in Cheshire East

Notwithstanding the number of investigations, the team has maintained an effective and responsive service to local residents and Members

The service is continuing to implement 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 have been applied to cases opened from 1<sup>st</sup> July 2015 onwards. These measures have been incorporated into the updated Planning Enforcement Policy that is currently being finalised.

Progress continues with the online Enforcement Register and it is expected that this will be live in 2016.

## 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 2015/16. It also contains details of the accumulation of cases that remain open and 'in hand' from previous years and details the number of appeals lodged and the outcome of those decided within the period

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

Section 3.4 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 2015/16 together with a breakdown of the types of cases - **See Table 1**
- b) The number of enforcement cases closed during the first two quarters of 2015/16 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 30<sup>th</sup> September 2015 – **See Table 3**
- d) The amount of formal enforcement action taken during the first two quarters of 2015/16 , together with a breakdown of the type of action taken – **See Table 4**
- e) The number of appeals that have been lodged and the outcomes of appeals determined during the period – **See Table 5**

**Table 1: Input of Planning Enforcement Cases between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

Type of Input (Investigation type)	Amount of Input Q's 1 and 2 2015/16	
	Number of Cases	Percentage
Unauthorised Building Works	210	47%
Unauthorised Change of Use	96	21%
Non Compliance with Planning Conditions	100	22%
Illegal Display of an Advertisement	17	4%
Untidy Land	8	2%
Unlawful Works to Protected Trees (TPO's)	8	2%
Unauthorised Deposit of Waste	2	Combined 2%
Unlawful Demolition	2	
Non Compliance with an Enforcement Notice	0	
Removal of Tree in Conservation Area	3	
<b>Total</b>	<b>446</b>	<b>100%</b>

Table 1 provides a breakdown of the 446 enforcement cases that were opened between 1<sup>st</sup> April and 30<sup>th</sup> September 2015.

The figure of 446 represents a 35% increase in the number of cases opened during the previous two quarters. 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 under 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, untidy land, unauthorised works to trees, waste, unlawful demolition and non compliance and Enforcement Notice amounts to just under 10%

**Table 2: Outcomes of Planning Enforcement Cases Closed between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

<b>Type of Outcome (Reason for Closure)</b>	<b>Amount of Output Q's 1 and 2 2015/16</b>	
	<b>Number of Cases</b>	<b>Percentage</b>
No breach/Permitted Development	159	54%
Breach Regularised Voluntarily through Negotiation	62	21%
Breach Regularised by granting Retrospective Planning Permission	44	15%
Not expedient to take any formal action	18	6%
Immune from formal action	2	1%
Other (formal notice complied with or special circumstances)	9	3%
<b>Total</b>	<b>294</b>	<b>100%</b>

Table 2 shows a breakdown of the outcome (reason for closure) of all cases that were closed between 1<sup>st</sup> April and 30<sup>th</sup> September 2015. This includes cases that were opened in previous years as well as this period.

The figure of 294 represents a 31% increase of the number of enforcement cases that were closed during the previous two quarters.

The data shows that 54 % of investigations resulted in no breach of planning control being found. This figure is 10% higher than during the previous two quarters. In the 46% of cases where a breach was found to have occurred:-

- 46% were regularised voluntarily through negotiation; (+12% on previous period)
- 33% were granted retrospective planning permission; (-9% on previous period)
- 13% 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 30<sup>th</sup> September 2015**

Year	Number of Cases Opened in the Year/Period	Cases still open as at 31 <sup>st</sup> March 2015	
		Number of Cases	%
2009/10 (CEC formed)	607	85	14%
2010/11	612	122	20%
2011/12	939	201	21%
2012/13	895	209	23%
2013/14	759	244	32%
2014/15	748	284	38%
New Cases in Q's 1+2 of 2015/16	446	288	65%
<b>Total as at 31<sup>st</sup> March 2015</b>	<b>5006</b>	<b>1433</b>	<b>29%</b>

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 reporting period (30<sup>th</sup> September 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 1433 cases does not include cases carried over from the legacy authorities. Work is ongoing to identify and prioritise these, however, current staffing issues will impact on the ability to do this.

**Table 4: Summary of Formal Enforcement Action Taken between 1<sup>st</sup> April and 30th September 2015**

<b>Type of Formal Enforcement Action</b>	<b>Output (Number) Q's 1+2 2015/16</b>
Planning Contravention Notices issued	<b>12</b>
Enforcement Notices issued	<b>6</b>
Temporary Stop Notices issued	<b>0</b>
Breach of Condition Notices issued	<b>1</b>
Untidy Land Notices issued	<b>0</b>
Injunctions/Court Orders obtained	<b>0</b>
Prosecutions where verdict secured	<b>0</b>

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.

**Table 5: Appeals Lodged and Determined between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

<b>Appeal Activity</b>	<b>Numbers Q's 1+2 2015/16</b>
Appeals lodged	<b>5</b>
Appeals Dismissed (Enforcement Notice Upheld)	<b>3</b>
Appeals Allowed (Enforcement Notice Quashed, Planning Permission Granted)	<b>1</b>
Appeals Withdrawn (Enforcement Notice comes into effect)	<b>1</b>

Table 5 shows the number of appeals lodged and the outcomes of appeals determined between 1<sup>st</sup> April and 30<sup>th</sup> September 2015

### 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 39 cases. These comprise 2 new cases that have been added since the last update. A breakdown on the status of the 39 cases at 30<sup>th</sup> September 2015 is as follows:-

- 6 have already been closed
- 3 are the subject of active legal proceedings
- 4 are not yet due for compliance
- 3 are the subject of an appeal and an appeal decision is awaited
- 23 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

### 3.4 Future Reports

The next report will be presented in July 2016 and will contain information for the 3<sup>rd</sup> and 4<sup>th</sup> 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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