



# Strategic Planning & Environment

## Overview & Scrutiny

### Agenda

**WEDNESDAY 7 JULY 2021 AT 7.00 PM**

**Council Chamber, The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Beauchamp  
Councillor Birnie (Chairman)  
Councillor England  
Councillor Harden  
Councillor P Hearn  
Councillor McDowell  
Councillor Rogers

Councillor Silwal (Vice-Chairman)  
Councillor Stevens  
Councillor Taylor  
Councillor Timmis  
Councillor Wilkie  
Councillor C Wyatt-Lowe

For further information, please contact Corporate and Democratic Support or 01442 228209

### **AGENDA**

**1. MINUTES**

To agree the minutes of the previous meeting.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**4. PUBLIC PARTICIPATION**

**5. CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN  
RELATION TO CALL-IN**

**6. ANNUAL PLANNING ENFORCEMENT REPORT (Pages 3 - 40)**

**7. WHERE DOES DACORUM'S WASTE GO**

A presentation from Duncan Jones from the Hertfordshire's Waste Partnership

**8. WORK PROGRAMME**



## Agenda item:

### Summary

<b>Report for:</b>	<b>Strategic Planning and Environment Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>7<sup>th</sup> July 2021</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Annual Planning Enforcement Report</b>
<b>Contact:</b>	<p>Cllr Alan Anderson, Portfolio Holder for Planning and Infrastructure</p> <p><b>Responsible Officer:</b></p> <p>James Doe, Assistant Director, Planning, Development &amp; Regeneration</p> <p><b>Author:</b></p> <p>Philip Stanley, Team Leader, Specialist Services (Planning)</p>
<b>Purpose of report:</b>	To provide an update on the planning enforcement service, summarising its trends, performance over the past 12 months, and its approach moving forward.
<b>Corporate objectives:</b>	An effective planning enforcement service is vitally important in maintaining public confidence in the planning system by assisting in the delivery of the development that has been granted and in taking action against harmful development, which has not been approved.
<b>Consultees:</b>	Mark Gaynor, Corporate Director (Housing & Regeneration)
<b>Background papers:</b>	<p>Local Enforcement Plan (2019)</p> <p>Planning Enforcement Quarterly Report – April 2021.</p>

Glossary of acronyms and any other abbreviations commonly used in Planning Enforcement:	BCN Breach of Condition Notice
	EN Enforcement Notice
	GPDO General Permitted Development Order
	LBEN Listed Building Enforcement Notice
	LEP Local Enforcement Plan
	LPA Local Planning Authority (e.g. Dacorum Borough Council)
	NPPF National Planning Policy Framework
	PCN Planning Contravention Notice
	PEO Planning Enforcement Order
	PINS The Planning Inspectorate (the body that deals with planning appeals)
	PPG Planning Practice Guidance (sometimes referred to as the NPPG)
	TCPA Town and Country Planning Act 1990
	TPO Tree Preservation Order
TSN Temporary Stop Notice	

## Introduction

1. This report is intended to provide information about DBC's Planning Enforcement Service. It will discuss the recent trends affecting the service, the performance of the team in the past 12 months, the issues it currently faces, and how the team are seeking to address these through 'The 400 Plan'.
2. As such, this report outlines the approach the Planning Enforcement service is taking this financial year in response to an initial review of caseloads and team capacity. This report is not intended to discuss the future strategic direction of Planning Enforcement, i.e. beyond the current financial year, in terms of its resources, priorities and abilities to overcome challenges. Further work will be required at the conclusion of the 400 Plan to assess its impact. This review would then feed into a further report to discuss the future direction of Planning Enforcement.

### Part 1: Recent trends in Planning Enforcement

3. The number of planning enforcement cases has been increasing in recent years. This has increased from an average of 504 cases per year between 2010 and 2016 to an average of 550 cases per year in the years 2017-2019. This represents an approximate 10% increase in case workload since 2017. It is noted that 2020 dropped below 500; however, this is considered to be a consequence of the Covid-19 lockdown as there were only 83 cases received in the period March to May 2020 (this compares to 132 cases in the same period this year). The following table provides a list of enforcement cases received per year since 2010:

<b>YEAR</b>	<b>No. CASES RECEIVED</b>
2010	503
2011	538
2012	485
2013	473
2014	514
2015	508
2016	510
2017	538
2018	581
2019	531
2020	481
<b>TOTAL</b>	<b>5,662</b>

4. Conversely, the number of planning enforcement cases being closed per year since 2010 is much less consistent, ranging from a high of 675 in 2010 to a low of 380 in 2015. This will be a consequence of the complexity of cases being received, the amount of resources dedicated to dealing with complex cases requiring formal action versus focusing on closing simpler cases, and the overall resources available to the Planning Enforcement service at that particular time. It is the case, however, that the number of cases being closed in the years 2010-2012 has not been reached since. The following table provides a list of enforcement cases closed per year since 2010:

<b>YEAR</b>	<b>No. CASES CLOSED</b>
2010	675
2011	576
2012	578
2013	468
2014	481
2015	380
2016	519
2017	499
2018	541
2019	483
2020	460
<b>TOTAL</b>	<b>5,660</b>

5. When seen as an overall picture since 2010 the number of live cases has only increased by 2 cases. However, this disguises the more recent trend of a significant increase in the amount of live enforcement cases, i.e. the cases currently on Enforcement Officers' books. Since 2012 there has been only one year when the Planning Service were able to close more enforcement cases than were received. In particular, in the period 2014 to date there are 299 more enforcement cases on the team's books. In other words, the amount of live cases has more than doubled since 2014. The following table provides a yearly analysis since 2010 of the number of cases received versus the number of cases closed:

<b>YEAR</b>	<b>No. CASES RECEIVED</b>	<b>No. CASES CLOSED</b>	<b>DIFFERENCE</b>
2010	503	675	-172
2011	538	576	-38
2012	485	578	-93
2013	473	468	5
2014	514	481	33
2015	508	380	128
2016	510	519	-9
2017	538	499	39
2018	581	541	40
2019	531	483	48
2020	481	460	21
<b>TOTAL</b>	<b>5,662</b>	<b>5,660</b>	<b>2</b>

6. The number of live enforcement cases has increased by an average of approximately 40 cases per year since 2014. This is broadly the same as the average recent increase in the number of enforcement cases received, i.e. 46 cases per year. In other words, the Planning Enforcement service has not been able to deal with the increase in the number of cases being received in recent years.
7. It should also be mentioned that prior to 2011 the Planning Enforcement service had four full-time members of staff. Given the need for Council-wide savings at this time, this was subsequently reduced to three full-time members of staff. Therefore, the Planning Enforcement service has, through changes to its processes, managed to deal with approximately the same number of cases coming through with one less member of staff. However, the service has not been able to cope fully with an increased level of demand together with a reduced resource available to it.
8. In terms of the type of planning enforcement cases received in the period 2010-2020 there is no apparent trend overall. Whilst a particular case type may drop or increase one particularly year, it would usually rebound the next. The amount of cases the service has received regarding Estate Agent boards witnessed a noticeable increase in the middle of the decade, but this has dropped significantly since. There has also been an increase over the decade

in the number of cases received regarding development not being carried out in accordance with the approved plans or with no planning permission at all. All of the other significant case types show no apparent trend, either up or down. The following table provides the yearly figures between 2010 and 2020 of the number of cases received by the most significant case types:

	Advert	Breach of Condition	Change of use of building	Change of use of land	Estate Agent Board	Listed Building	Not in accordance with approved plans	No planning permission	S.215 (untidy land)	TPO
2010	74	41	28	43	29	14	59	120	20	13
2011	61	41	35	22	29	22	71	133	32	6
2012	33	43	32	47	41	30	55	119	30	4
2013	52	39	31	25	12	20	66	129	32	14
2014	49	43	35	37	38	31	55	122	21	8
2015	76	30	32	27	69	26	63	92	16	15
2016	48	34	27	34	55	20	77	124	18	10
2017	38	46	35	24	50	22	88	151	15	7
2018	71	40	21	26	32	22	107	140	29	12
2019	77	44	26	31	5	39	77	119	11	18
2020	43	36	15	14	10	17	79	173	14	22

9. It should be noted that the above table does not include all case types, just those that occur the most frequently, which represent approximately 90% of all cases received. Furthermore, there is a case type 'Multiple Breach', which are not recorded in the above table, but which may include additional examples of the case types recorded in the table.
10. Planning Enforcement cases are given three levels of Priority, with level 1 being the highest and level 3 the lowest. Listed Building and TPO cases would typically (though not always) be given a Priority 1 status. From the table above it can be seen that these cases amount to around 35 cases per year. It is worth noting that priority 1 cases can be resource intensive due to the requirement to visit the site within 24 hours and the potential for a crime to have been committed.
11. In terms of formal action, i.e. the service of a Notice, it is worth noting that the first Enforcement Quarterly Report (July 2017) listed 38 cases where formal action was currently being taken. This compares to the 55 in the April 2021 edition, demonstrating that there is currently additional work required of the team dealing with formal action, whether this be defending an appeal against a Notice, trying to secure voluntary compliance, or prosecuting / considering prosecution for non-compliance.
12. The Planning Enforcement service has consistently taken robust action where it is proportionate to the level of harm being caused by the breach of planning control and where it is expedient to do so. In respect of the particular Notice type, it is worth noting the fluctuation in Enforcement Notices, as well as the

recent trend for an increased use of Temporary Stop Notices. The following table details the formal Notices that have been served from 2013 to 2020.

	<i>Enforcement Notice</i>	<i>Listed Building Enforcement Notice</i>	<i>Stop Notice</i>	<i>Temporary Stop Notice</i>	<i>Breach of Condition Notice</i>	<i>s.215 Notice</i>	<i>TOTAL</i>
<b>2013</b>	13	0	0	0	0	3	<b>16</b>
<b>2014</b>	6	0	0	0	0	0	<b>6</b>
<b>2015</b>	9	0	1	0	2	2	<b>14</b>
<b>2016</b>	12	1	1	1	2	3	<b>20</b>
<b>2017</b>	16	2	1	2	1	4	<b>27</b>
<b>2018</b>	4	2	1	3	0	4	<b>14</b>
<b>2019</b>	13	2	0	5	1	2	<b>24</b>
<b>2020</b>	10	2	1	7	3	2	<b>25</b>
<b>TOTAL</b>	<b>83</b>	<b>9</b>	<b>5</b>	<b>18</b>	<b>9</b>	<b>20</b>	<b>144</b>

13. It is not possible for the recipient of a Stop Notice, a Temporary Stop Notice, a Breach of Condition Notice or a s.215 (untidy land) Notice to appeal – these, however, can be challenged in the Courts. Conversely, Enforcement Notices and Listed Building Notices can be, and are very often, appealed. This creates an issue for the Planning Enforcement Service in that it is necessary to take formal action against serious breaches of planning control, yet this has significant implications on the workload within the service, in terms of firstly defending any appeal, and then secondly trying to secure compliance once a Notice has taken effect. The following table provides details of the number of such appeals between 2010 and 2020.

<b>YEAR</b>	<b>No. EN / LBEN APPEALS</b>
2010	13
2011	9
2012	3
2013	6
2014	4
2015	6
2016	8
2017	10
2018	5
2019	10
2020	13
<b>TOTAL</b>	<b>87</b>

14. It is worth noting that the Development Management team as a whole received 72 appeals in 2020 and therefore nearly one in five appeal cases last year were dealt with by Planning Enforcement.

## **Part 2: Planning Enforcement at DBC – how it currently stands**

15. Planning Enforcement is a service within the Development Management and Planning Group, led by Sara Whelan, and within the Specialist Services Team, led by Philip Stanley. The service, in essence, deals with breaches of planning controls through a variety of mechanisms ranging from 'take no action' to 'invite retrospective planning application' to 'serve formal notice'. The route chosen depends on the severity of the harm caused by the breach and the expediency of the Council taking action in that matter.
16. Olivia Stapleford (Assistant Team Leader) leads the day-to-day running of the Planning Enforcement service, in terms of allocating and signing off enforcement cases, the preparation of formal Notices, and dealing with all appeals. The service also has two Enforcement Officers, Cora Watson and Steve Hall, who undertake the investigative work required in enforcement cases and who make recommendations within their reports. Philip Stanley, whilst not having day-to-day involvement in enforcement casework, leads the strategic direction of the service and assists in the more complicated formal notice and prosecution activities.
17. The Planning Enforcement Service up to the end of 2019 had a dedicated Technical Assistant, who dealt with the setting up of enforcement cases, the upkeep of the Planning Enforcement Register, Land Registry queries, and general Enforcement Officer support. This role was merged with the overall technical planning support in the Business Support team, and the same level of technical enforcement support is being provided in this new arrangement.
18. Since April 2021 the Planning Enforcement Team has been joined by Caroline Durrant on a one-year contract.
19. The service currently (as of 23 June 2021) has 613 live enforcement cases (i.e. cases received but not yet closed). Unsurprisingly, the number of live enforcement cases increases substantially the more recent the year the case was received. For example, there are 11 live enforcement cases in the years up to and including 2011, but 197 live enforcement cases from last year (2020). The full break down by year is as follows:

<b>YEAR</b>	<b>LIVE CASES</b>
Pre-2008	7
2008	1
2009	0
2010	0
2011	3
2012	6
2013	3
2014	6
2015	15
2016	26
2017	27
2018	51
2019	103
2020	197
2021	168
<b>TOTAL</b>	<b>613</b>

20. The above table also demonstrates that enforcement cases vary hugely in their complexity. Whilst some cases can be received and closed very quickly (in a matter of days or a couple of weeks), other cases can remain 'on our books' for a considerable number of years. The older cases will almost represent enforcement matters where formal action was undertaken (such as the service of an Enforcement Notice), but where securing compliance (such as meeting the requirements of a Notice) has proved difficult and / or complicated. It can take years, for example, to go through the Courts, if an offender is absolute resolute in their efforts not to comply with an Enforcement Notice. Such cases are very resource intensive and therefore the team (bearing in mind the large number of new cases coming in each month) have difficulties in finding the resources to deal with all older cases.

21. The service currently has 55 live enforcement cases where formal action has been taken and where full compliance has not yet been secured (as shown in the April 2021 Planning Enforcement Quarterly Report). These can be broken down by formal action taken as follows:

<b>FORMAL ACTION TAKEN</b>	<b>LIVE CASES</b>
Enforcement Notice	40
Listed Building Enforcement Notice	5
Stop Notice	1
Temporary Stop Notices	2
s.215 Notices	3
Breach of Condition Notices	4
<b>TOTAL</b>	<b>55</b>

22. It is worth noting that the total number of live cases where formal action has been taken represents approximately 10% of our live caseload. The other 90% will be at various stages of investigation, such as:

- A brand new case – site visit not yet undertaken.

- Site visit undertaken – no breach or not expedient to take action – need to write up report / manager needs to sign-off report and close case.
  - Further information required – serve Planning Contravention Notice, discussions with other departments/external bodies, internet/Google Maps research, etc.
  - Retrospective planning application invited – waiting for submission / waiting for determination of application (and potentially subsequent appeal).
  - Breach has been resolved - need to write up report / manager needs to sign-off report and close case.
  - Formal Notice is being prepared, potentially in conjunction with Legal.
23. The Planning Enforcement service works primarily within the legislation of the Town and Country Planning Act 1990 and the Listed Buildings and Conservation Areas Act 1990, national policy within the National Planning Policy Framework (NPPF) and local planning policy in the Core Strategy (2013) and the Local Plan (1991-2011).
24. The actions of the Planning Enforcement service are further guided by its Local Enforcement Plan (LEP), which has recently been completely re-written and was adopted by the Council in November 2019. The LEP provides an up to date analysis of the planning enforcement tools at the team's disposal, and details its core principles when deciding to use them, and how the respective parties are engaged in the enforcement process. It also outlines the planning enforcement's priorities and its approach to proactive enforcement action. The LEP can be accessed following this link: [http://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f\\_8](http://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f_8)
25. A majority of planning enforcement cases are dealt with on a reactive basis, i.e. an investigation will commence after we have received a report of an alleged breach of planning control. However, this LEP acknowledges that there are some 'hot topics' or 'problem areas' where the team's resources can be focused to make the maximum impact.
26. As such, Section 9 of the LEP introduced 'Priorities and Projects'. This section will be reviewed on an annual basis to take into account changing priorities, as well as the overall resources of the Planning Enforcement team at that time. For the current year of this document (i.e. 2021), the LEP is prioritising, firstly, Major Developments and, secondly, on education / publicising planning enforcement matters. The full details of these projects can be found in the LEP.

### Part 3: Planning Enforcement at DBC – Performance over the past 12 months

27. For the purpose of this section of the report the last 12 months is taken to be the period 01 June 2020 to 31 May 2021, unless otherwise stated.
28. In the past 12 months exactly 500 cases have been received by Planning Enforcement. During this period 474 cases were closed. As such the team have 26 more cases on their books overall at the end of this period than at the start. This continues the trend described in paragraph 6, albeit at a slightly slower rate. The following table provides a monthly breakdown of cases received and cases closed:

	<b>TOTAL</b>		
	<b>Rec'd</b>	<b>Dec'd</b>	<b>Difference</b>
Jun-20	42	31	11
Jul-20	57	14	43
Aug-20	42	41	1
Sep-20	54	75	-21
Oct-20	34	34	0
Nov-20	41	20	21
Dec-20	34	66	-32
Jan-21	40	23	17
Feb-21	24	45	-21
Mar-21	36	32	4
Apr-21	48	45	3
May-21	48	48	0
<b>TOTAL</b>	<b>500</b>	<b>474</b>	<b>26</b>

29. As can be seen from the above table the number of planning enforcement cases received by the team fluctuates each month, ranging from 24 to 57. New cases will require site visits and actions following those site visits, thereby taking up time to deal with and close older cases. As a consequence the number of cases being closed also fluctuates considerably.
30. In terms of the cases decided, the reason for closing a case can be broadly split into four main categories.
31. Firstly, there are cases where no further action was required at all because it was established there was no breach. This could be because, for example, the development being complained about had not occurred or was not 'development' in planning terms, or because the development was being carried out in accordance with the approved plans. In the past year this represents just over a quarter of all case closures.
32. Secondly, there are cases which whilst being a breach of planning control, Planning Enforcement can take no action because the development has become lawful over the passage of time (benefiting from the 4 and 10 year timescales in which formal enforcement action must be commenced). In the past year this represents 3% of all case closures.

33. Thirdly, there are cases where it was concluded that a breach of planning controls had occurred, but it was concluded that the breach was of a minor nature so as not to cause any harm. In such cases it was not expedient to use further resources dealing with such matters. Also within this category can be placed examples where the team has taken action and there has been a resolution to some or all of the breaches, not to a level to completely resolve the breach, but down to a point would any harmed caused would be minimal and therefore not expedient to take further action. In the past year this represents just over a quarter of all case closures.

34. Fourthly, there are cases where it was concluded that a breach of planning controls had occurred, and through the action of the Planning Enforcement team the breach had been resolved. This can take several forms. For example, the home or landowner may have resolved the breach voluntarily at the request of the Planning Enforcement Officer. Or, a planning application may have granted retrospective permission for the development. Or, a formal notice may have been served that led to the development being removed or ceasing. In the past year this represents 35% of all case closures.

35. The full break down of case closures is as follows:

REASON FOR CASE CLOSURE	No. CASES	% CASES
No breach	127	26.8
Lawful over time	16	3.4
Not expedient to take action / further action	126	26.6
Breach resolved	165	34.8
Other	40	8.4
<b>TOTAL</b>	<b>474</b>	<b>100</b>

36. Corporately, the performance of the Planning Enforcement service is measured quarterly in how quickly a Planning Enforcement Officer first visits a site upon the receipt of a complaint / allegation. For Priority 1 cases the target is within 1 working day, for Priority 2 cases it is within 10 working days, and for Priority 3 cases it is within 15 working days. In all cases, the target is that 100% of site visits are completed within their respective timescales.

37. The table below provides the performance figures for the previous four quarters (representing the 2020/21 financial year). From these figures, it can be seen that the Planning Enforcement service failed to meet the 100% first site visit target across all quarters.

	2020/2021							
	Q1		Q2		Q3		Q4	
	Cases in time	% in time						
PEO 1	6/6	100	7/7	100	1/2	50	1/2	50
PEO 2	9/11	81.8	7/12	58.3	10/27	37	10/25	40
PEO 3	27/35	77.1	27/58	46.6	36/101	35.6	20/54	37

38. There are three main reasons for the Planning Enforcement team failing to hit these performance targets over the past year.

39. Firstly, the Covid-19 pandemic has led to a couple of national lockdowns and other restrictions that have made site visits much more difficult. In the initial weeks of the lockdown site visits were virtually all curtailed. Subsequently, it became possible to undertake site visits where we could guarantee no social contact. These restrictions curtailed unannounced site visits (which is a key part of investigating change of use breaches of planning control) and preventing site visits completely when an owner claims health issues. As the restrictions were lifted the team began to undertake site visits that could take externally. Only more recently have the team started to undertake all types of site visits again. The overall result of this is an increasing and concerning backlog of site visits required (first site visits and compliance site visits).
40. Secondly, as the team began to pick up site visits, this has begun to be reflected in the first site visit statistics. In other words, as the team visit sites they previously couldn't access, this triggers a first site visit date, which is beyond the 1, 10 and 15 day targets described above. The figures do not distinguish between how quickly new cases are visited and how quickly cases from last year are visited – they are merged into the figures seen in the table above. Therefore, as the team continues to work its way through the outstanding site visits, the first site visit performance figures look, and are anticipated to look for this financial year, poor.
41. Thirdly, it must be recognised that the speed in undertaking a first site visit is only one way the performance of the Planning Enforcement team can be assessed. It is considered that, from a 'customer' perspective, whilst how quickly an Enforcement Officer goes out on site is important, they are likely to be more concerned on how quickly a case reaches a resolution. As such, there are times when the drafting of a formal notice, for example, takes priority over visiting a site.
42. It is certainly true that the Planning Enforcement service have been very busy in the past 12 months in terms of taking formal action, and dealing with the large appeal caseload than inevitably results.
43. In the past 12 months Planning Enforcement have served 18 formal notices, consisting of 11 Enforcement Notices, 5 Temporary Stop Notices and 2 Listed Building Enforcement Notices. (I would add that a further 2 Enforcement Notices and 1 Listed Building Enforcement Notice has been served so far in June this year).
44. Central government provide annual Enforcement activity statistics and, as can be seen from the table below, the amount of formal enforcement work completed at Dacorum in 2020 was the highest in Hertfordshire, and is considerably above all other local authorities other than East Herts District Council.

	<i>Enforcement Notice</i>	<i>Stop Notice</i>	<i>Temporary Stop Notice</i>	<i>Breach of Condition Notice</i>	<i>TOTAL</i>
Broxbourne	4	0	1	0	<b>5</b>
Dacorum	12	1	7	3	<b>23</b>
East Herts	10	0	4	3	<b>17</b>
Hertsmere	5	0	0	0	<b>5</b>
North Herts	1	0	0	0	<b>1</b>
St. Albans	4	0	0	0	<b>4</b>
Stevenage	0	0	0	0	<b>0</b>
Three Rivers	4	0	0	0	<b>4</b>
Watford	2	0	0	0	<b>2</b>
Welwyn Hatfield	9	1	0	0	<b>10</b>
Central Beds	1	0	2	2	<b>5</b>
Milton Keynes	8	0	0	0	<b>8</b>

45. Enforcement Notices are often challenged and therefore a busy Planning Enforcement team in terms of serving formal notices will have the knock-on consequences of having to deal with a significant appeal caseload.

46. In the last 12 months Planning Enforcement have had to defend 13 appeals against Enforcement Notices / Listed Building Enforcement Notices, which is very resource intensive work. In particular, Planning Enforcement were involved in two very large appeals – the Public Inquiry for the Gypsy & Traveller site on Featherbed Lane, Hemel Hempstead and the Hearing for the large-scale commercial operations at Haresfoot Farm, Berkhamsted.

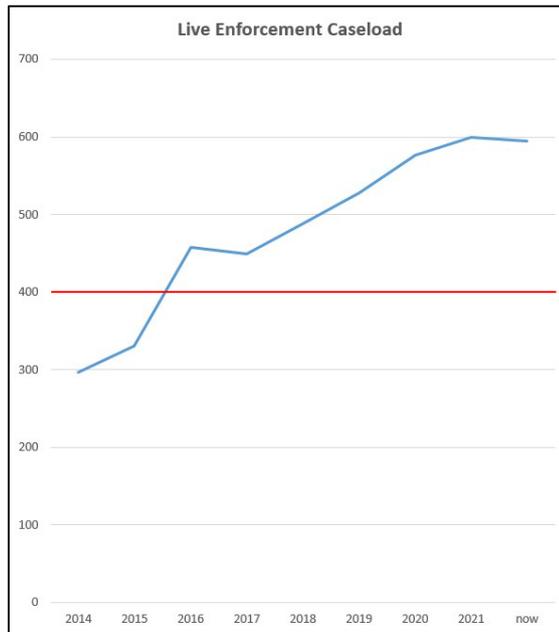
47. In terms of appeal performance in the past 12 months, out of a total of 8 decisions:

- 4 appeals were dismissed
- 2 were allowed
- 2 were withdrawn.

48. In addition to the above, the Planning Enforcement team have secured two successful prosecutions in the past 12 months. The first related to the removal of a TPO tree in Tring, whilst the second related to unauthorised works to a listed building in Markyate. The Planning Enforcement team had previously also secured an High Court Injunction to prevent further works to this listed building.

#### **Part 4: The '400 Plan'**

49. The Planning Enforcement Service is a very busy team that is finding its workload, both in terms of enforcement cases and dealing with formal Notices, on the increase.
50. The Planning Enforcement Service has to balance the competing demands of undertaking the first site visit of a new case within the corporate performance timescales, ensuring that current cases reach a conclusion (and formal action is taken where required), and attempting to close historic cases. This balance has become increasingly difficult to perform for a number of reasons that were reported to SPEOSC in July 2020, summarised as follows:
- Resource shortfalls during periods of staff leaving / recruitment.
  - The impact of the Covid-19 pandemic on site visits, appeals, serving of and timescales within Notices, and securing compliance.
51. The large and increasing live caseload has a number of other important implications, also reported to SPEOSC in July 2020, summarised as follows:
- Increasing the 'expediency bar', i.e. closing cases where the breach of planning controls is not considered sufficiently harmful to warrant further action.
  - Difficulties with dealing with criminal offences / prosecutions, which are very resource intensive.
  - Difficulties with dealing with a rise in case resulting from the new trends of land / woodland subdivision and the creation of HMOs (houses in multiple occupation).
52. To deal with these issues and pressures on the Planning Enforcement service, the department is undertook a review of the service. This analysed in detail the following (but not limited to) measures: work in progress; the length of time taken to deal with particular tasks; the way we correspond and update neighbours and offenders; and increased use of templates and automated e-mails.
53. In particular this analysis noted that live caseload had been increasing since 2014 to the point that it was at an unsustainable level, as demonstrated by this graph:



54. The increasing number of live enforcement cases will only continue if we continue with business as usual. A high caseload has the following negative implications:

- Cases take longer to be initially looked and to reach a conclusion.
- Elements of a case can be missed when there is so much on our plates.
- No slack to allow for prosecutions.
- Low staff wellbeing.
- Lower job satisfaction - feeling like one is not able to do as good a job as one would like.
- Increasing amount of 'failure demand' type e-mails, i.e. where a customer chases for an update, or complains about the service being provided.

55. Therefore, in order to overcome these issues, it is critical that live caseload is reduced back to pre-2014 levels. Ultimately, this work led to the formation of the '400 Plan – a targeted approach to reduce live caseload in Planning Enforcement'. The full project document is attached as Appendix 1.

56. The 400 Plan represents a complete overhaul of the way in which Planning Enforcement team deal with enforcement cases. It has, as its core, the objective to reduce live caseload from more than 600 to 400 by the end of the 2021/22 financial year. At its heart there is the emphasis that cases need to go through the system quicker. It has always the been the case that not all breaches are harmful, and it is right and proper that cases are closed down quickly where the breach is minor and results in no harm. This allows the service to concentrate its resources on the cases that need formal action or where significant harm is being caused.

57. In order provide the required focus four key new measures were introduced. Firstly, each new case (for the purpose of the 400 Plan a 'new case' is a case received since 01 April 2021) is designated a harm level. The harm level can

either be set by the Manager setting up the case or by the Enforcement Officer after the first site visit. The harm level, which ranges from 1 to 5, is based on the question, "Will planning permission be granted for the development?" Once a harm level is chosen, this then determines the approach the Enforcement Officer needs to take to bring the case to a close. The full details of the harm level system are detailed in the table below:

HARM	ACTION	WILL P/P BE GRANTED FOR DEVELOPMENT?	SEEK VOLUNTARY RESOLUTION	POTENTIAL PCN
1	Close case / Update parties	Not needed or Absolutely, yes.		
2	Write letter to owner inviting planning application / Close Case / Update parties	Very likely.		
3	Write letter to owner inviting planning application / Await receipt of application / Close Case / Update parties	Likely.	X	
4	Write letter to owner inviting planning application / Await determination of application / Close Case or Formal Action / Update parties	Maybe yes, maybe no.	X	X
5	Formal Action	Definitely not.	X	X

58. Secondly, Enforcement Officers now have targets to bring a case to a conclusion within 4 weeks of the date of receipt of the case for Harm Level 1 cases, and within 12 weeks for all other Harm Levels. A 'conclusion' can mean one of three things:

- 1) The Enforcement Officer report, recommending closure of the case, has been written.
- 2) A retrospective planning application, seeking to regularise the breach, has been submitted.
- 3) A formal notice has been served.

59. Thirdly, a 'Fast Track' system was introduced for Harm Level 1 cases, whereby the Enforcement Officer would complete their site visit and report write-ups for these cases on the same day.

60. Finally, each Enforcement Officer has, as a performance objective, the need to close more of their own cases than they receive each month. This is tracked in the same way as the table under paragraph 28.

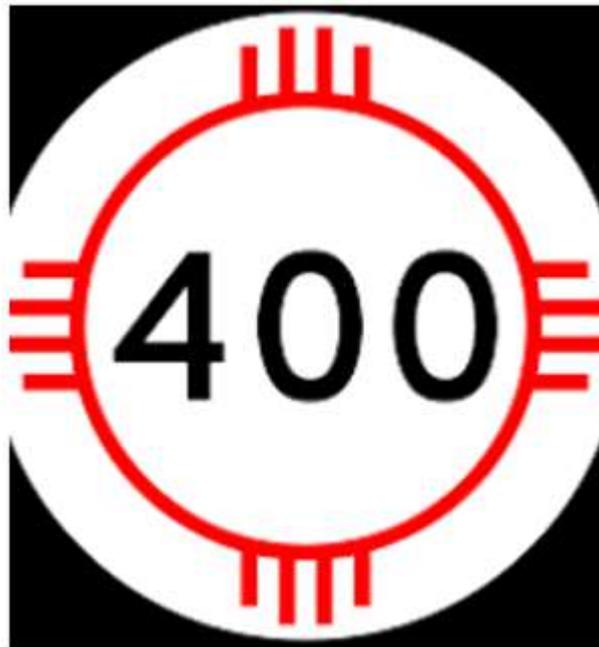
61. In order to assist in these new ways of working it has been necessary to make a number of further very important changes.

62. Firstly, caseload has been split into 'new' and 'old' cases with 01 April 2021 being the cut-off point. New cases are to be dealt with as described above. Old cases will be dealt with by way of Case Type focus. This means each month will see a different case type (see table under paragraph 8) prioritised. This will provide the Enforcement Officers will a more manageable and focused workload, with the clear aim of closing cases of that case type within

that month (in line with the harm level system for new cases). All case types will have been looked at in this focused way by the end of this financial year.

63. Secondly, the team's resources have been bolstered through the recruitment of an additional Planning Enforcement Officer, on a one-year contract. This extra Officer is tasked with clearing old caseloads from Enforcement Officers no longer in the team and, critically, picking up the majority of the new cases in the period August – November 2021, thereby allowing the existing Enforcement Officers to concentrate on clearing their own historic caseloads.
64. Thirdly, a 'Structured Week' has been introduced whereby the Enforcement Officers have specific allocated times in their calendars in which to complete key tasks, such as site visits, writing up reports, corresponding with alleged offenders and complainants. As part of this the Officers produce a fortnightly plan which provides full details of which tasks will be completed during that period.
65. Finally, a number of measures are proposed to streamline communication channels, such as providing additional guidance to the Customer Service Unit, introducing automated update templates, and directing new complaints to be lodged via the webform on the planning enforcement pages on the Council's website.
66. The totality of these measures will result in a reduction of live caseload, with the knock-on benefits of freeing up time to deal with the most harmful cases, providing resolutions to customers in a speedier timeframe, and improving team wellbeing.
67. The exact success of these measures will depend on a number of uncertainties. For example, it is impossible to predict how many new cases the Enforcement service will receive and this is something outside of our control. Should the team receive an above average number of new cases during this financial year, it will become increasingly hard to hit the 400 target. Similarly, as each and every case will be focused on during the next 12 months, this may result in an increase in formal enforcement action and consequently appeal work. This will need to be very carefully managed and programmed.
68. It will also be important to manage customer expectations. There will be cases which the customer considers harmful, but which the Planning Enforcement team conclude it would not be expedient to enforce against. In these situations providing a clear, consistent and early message is key. Similarly, the team simply does not have the resources to go into long detailed discussions regarding numerous individual cases or to provide regular updates. Planning Enforcement is often a long process and therefore it is important to communicate at key stages, such as when the case is received, when a retrospective planning application is received, or when a case is closed.

69. How the Planning Enforcement team communicate with Members is also very important, but must be considered within the constraints described above. The team currently provide Members with a Planning Enforcement Quarterly Update, which currently lists the formal action the team has taken (serving of Notices). I am very interested to hear what else Members would like to see within this Update, or whether there are any other communication channels they would prefer.
70. Overall, the 400 Plan is a very important first phase of a detailed analysis and review of the Planning Enforcement service. At the end of this financial year, with the team operating as efficiently as possible, the picture will be much clearer in terms of the work it is able to undertake using current resources and whether there are further resource needs required to enable Planning Enforcement to continue to improve its service and play a key role in the attractive and sustainable place-making of this Borough.



# THE 400 PLAN

**A targeted approach to reduce live caseload in Planning Enforcement**

March 2021



**SECTION 1:**  
**OVERALL PLAN 2021/22**

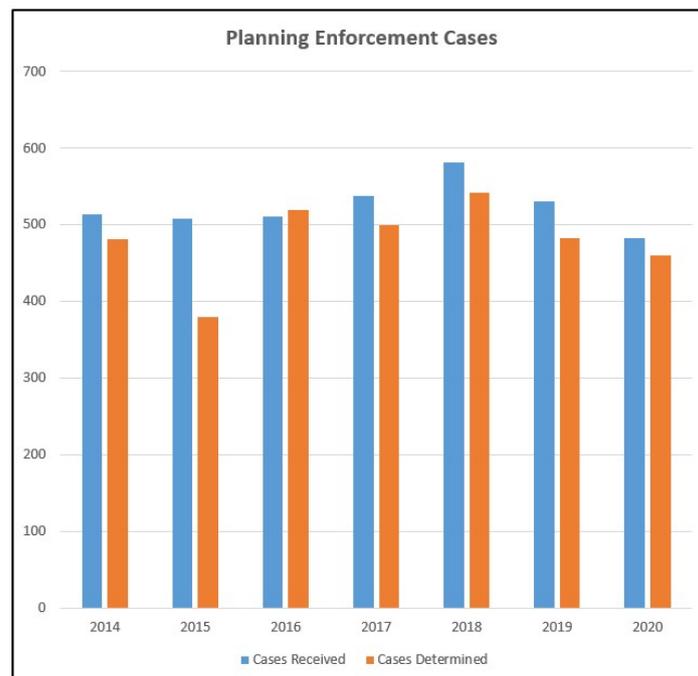
## **1.1 WHAT IS THE CURRENT POSITION?**

1.1.1 The Enforcement Team have a very high live caseload, i.e. cases that are ongoing. These cases are typically ongoing because the site is yet to be visited, the breach requires further investigation, the invited retrospective planning application has not yet been determined, the enforcement notice has been appealed, the enforcement notice has not been complied with, etc.

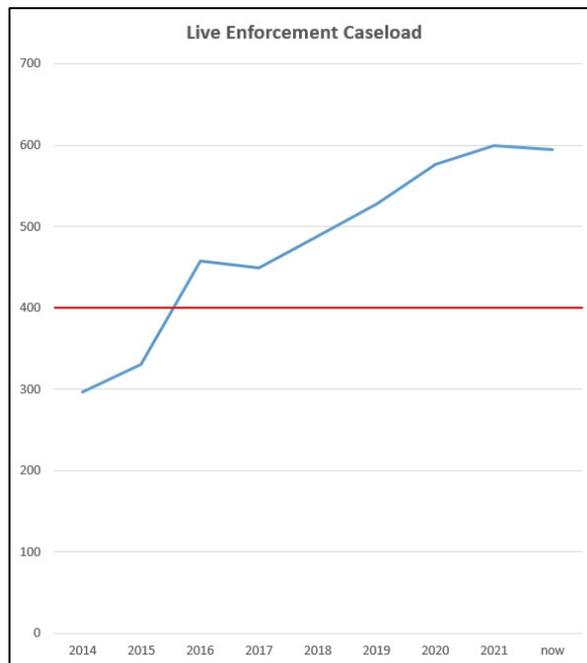
1.1.2 In the past 7 years, only 2016 saw a net reduction the live enforcement caseload. In total, during that period, the team now have an additional 307 cases to consider compared to 2013:

YEAR	DIFFERENCE
2014	33
2015	128
2016	-9
2017	39
2018	40
2019	48
2020	23
2021 (so far)	-4
<b>TOTAL</b>	<b>307</b>

1.1.3 It is worth noting that this period also coincided with a noticeable increase in cases between 2017 and 2019, together with two lengthy periods when the team was left with one Enforcement Officer whilst a replacement Officer was being recruited:



1.1.4 Live caseload has been increasing since 2014 to the point where it is now at unsustainable levels:



## **1.2 WHAT ARE THE CONSEQUENCES OF A VERY HIGH CASELOAD?**

1.2.1 There are numerous implications arising from having such a high live enforcement caseload, including the following:

- Cases take longer to be initially looked and to reach a conclusion.
- Elements of a case can be missed when there is so much on our plates.
- No slack to allow for prosecutions.
- Low wellbeing.
- Lower job satisfaction - feeling like one is not able to do as good a job as one would like.
- Increasing amount of 'failure demand' type e-mails, i.e. where a customer chases for an update, or complains about the service being provided.

## **1.3 WHY DO WE NEED A PLAN NOW?**

- The increasing number of live enforcement cases will only continue if we continue with 'business as usual'.
- We have an opportunity to focus on historic cases with the recruitment of a one year Enforcement Officer.
- 2020 actually saw a drop in the number of enforcement cases being received – its lowest point at any time since 2014. The first quarter of 2021 is so far replicating 2020 case numbers.
- There is an opportunity to learn the lessons and use the tools from the recent Capacity Project, that were successfully integrated into the Development Management teams.

## **1.4 HOW CAN WE BEST USE THE NEW ONE-YEAR ENFORCEMENT OFFICER?**

1.4.1 This is clearly dependent on the experience and capabilities of the individual appointed to the post. A more experienced Enforcement Officer would be able to 'hit the ground running', whilst an individual with no previous planning enforcement experience will require more initial training and support.

1.4.2 Nevertheless, there are some key principles in terms of how this additional resource can be used:

- 1) Pick up historic caseload that is not currently with Cora and Steve. It is not possible to ask Cora and Steve to go through their historic caseload and at the same time pick up cases left over from Jim, Ed, Laura and Tristan.
- 2) Pick up the majority of new cases, when they are suitably capable of doing so. This will allow Cora and Steve the breathing space to bring their historic cases to a conclusion.
- 3) Allocation of new cases for the final 3-4 months to be very limited. This is to ensure that the team are not left with another Officer's backlog of historic cases when that Officer leaves the team.

## **1.5 WHAT SHOULD BE THE APPROACH FOR OLD AND NEW CASES?**

1.5.1 The 'Geographic Focus' to dealing with Enforcement cases will come to an end at the conclusion of the current cycle on April 23<sup>rd</sup>. This will not be repeated for the following main reasons:

- A two or even three weekly cycle is insufficient time to ask for and receive PCNs, planning applications, etc. We've already moved on to next area and therefore cannot deal with items that have been submitted, or chase items that have failed to materialise.
- Cases are increasingly being considered in other areas, i.e. not the focus area – an inevitable result of turning over so many stones.
- Some geographic areas have been more successfully resolved than others, leaving an imbalance across the whole cycle.
- The team's first site visit performance has dropped markedly (also a result of Covid-19).
- It is generating a significant amount of 'failure demand' type correspondence, e.g. 'When are you going to deal with x...?'

1.5.2 This will be replaced with brand new processes for 'new' cases, i.e. those received from 01.04.2021 – see Section 2 below. The changes outlined below represent a fundamental shift (a 'culture change') in the way that the team deal with Enforcement cases. The focus will be on moving the smallest cases through the system as fast as possible and with the minimum of effort, and only spending significant time on a case where the harm of the development concerned truly merits it.

1.5.3 The focus for older cases, i.e. those received before 01.04.2021 will be based on Case Type, rather than geographic area – see Section 3 below.

## **1.6 WHAT IS THE TIMETABLE FOR THIS PLAN?**

### **1.6.1 MARCH 2021:** Project Scoping

The formulation of the measures and processes described in this report are the result of a considerable amount of research, analysis and discussion:

- An analysis of current live caseload numbers and case types.
- A brainstorming / consultation meeting with the Enforcement team to look at current obstacles and barriers, how to remove such obstacles and barriers, what processes need to change, and how should caseload be divided up to provide the most appropriate focus.
- Discussions with the ATL Enforcement and the Business Support Lead Officer.
- Some initial changes made to Uniform to allow the introduction of new processes.
- Some initial changes made to the website to reconsider public interaction with the service.

### **1.6.2 APRIL 2021:** Project kick-off.

It is acknowledged that April will be a transition month. This is because it coincides with the second week of the Easter Holidays, the start date for the new Enforcement Officer (April 12<sup>th</sup>), and the fact that it will require some time for some ideas to bed in and some new templates to be created. Nevertheless, the new way of working will start on April 1<sup>st</sup>.

### **1.6.3 MAY 2021:** Monthly 'State of Play' assessment.

There will be a Team Meeting each month to discuss the latest caseload figures, new cases received and cases closed, etc. This will be an opportunity to further discuss any barriers that are slowing doing the resolution times for cases and to look at solutions for such issues.

### **1.6.4 JULY 2021:** Quarterly review and consideration of any changes required.

It is accepted that this Plan will introduce a number of new processes and tools. It will be necessary to review the effectiveness of these processes and tools at the end of each quarter and to assess their usefulness and whether any tweaks / large changes are required.

### **1.6.5 MARCH 2022:** End of project analysis and consideration of next steps.

This project should not be considered the ultimate end goal. Live caseload should be decreased below 400 the following year by a continuation of the processes and tools that proved to be successful in 2021/22. It is considered that a maximum live enforcement caseload of 300, broadly in line with the 2013 figure, is required for a team of two Enforcement Officers and their Manager.

1.6.6 The Gantt Chart below provides a breakdown of the implementation periods for all the steps and processes discussed in this report.

Subject	Task / Measure	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
1 year Enforcement Officer	0-25% new cases to Caroline (ADVs, EABs etc.)												
	50-75% new cases to Caroline												
	Close Ed's reports ready to written up												
	Take on Tristan / Laura caseload												
	Take on Ed's caseload												
New cases received from April 2021	Implement Structured Week												
	Implement Harm Filter System												
	Implement Fast Track System												
	Implement 'no net gain' performance measure												
	Implement 90% within 12 weeks performance												
	Implement Conservation Triage												
	Training / Guidance provided for CSU												
	Review of new measures introduced												
Old cases received before April 2021	Geographic Focus												
	2010 & older case focus												
	Data Correction												
	TPO / CAT focus												
	Advert / EAB / s.215 focus												
	BOC focus												
	NAP focus												
	NPP focus												
	COB / COL focus												
	LBG / CONSRV focus												
	ENG / TIP / FEN focus												
	HMO / UNNA focus												
Targets	Target = 550 live cases												
	Target = 500 live cases												
	Target = 450 live cases												
	Target = 400 live cases												

## **1.7 WHAT ARE THE RISKS FOR THIS PLAN AND HOW CAN THEY BE MITIGATED?**

### **1) Reputational implications of not taking action**

1.7.1 The processes outlined in this Plan include a number of measures seeking to close cases quicker and to take no action more often. There could be concerns, therefore, that this will give rise to an image of a planning enforcement team who 'let people get away with it', thereby impacting on the reputation of the service.

1.7.2 Firstly, there is already a danger of the service gaining this reputation if live caseload continues to rise, meaning less and less time to deal with the more harmful cases. The team cannot provide a 'gold plated' service in respect of all cases. Rather it must deal with the least harmful cases as efficiently as possible, for the very reason of providing more time to take formal action against the developments causing significant harm.

1.7.3 The positive outcomes of formal action (compliance with Notices, successful prosecutions) needs to be much more publicised so that the team has a reputation for taking strong action when it is appropriate to do so.

### **2) Member expectations**

1.7.4 It is appreciated that Members are often contacted by constituents about a matter which is critical to them. However, this Plan will introduce a phased focus to Case Types and therefore the team may not be able to look at the matter for some time. Equally, there may be cases where the team wishes to take no action despite Member involvement.

1.7.5 As a result it is important that Members are explained why this new approach has been introduced and the positive outcomes that will arise from it – not least gaining more time to take strong action when appropriate and expedient to do so.

### **3) Surge of new cases in 2021/22**

1.7.6 At this stage we are on course to receive approximately 100 enforcement cases in the first quarter of this year. This would represent a significant drop in enforcement cases received if replicated for the rest of 2021. Nevertheless, there is the possibility that with lockdown measures easing the team could experience a sudden increase in new enforcement complaints that require investigation.

1.7.7 The exact numbers of new cases being received cannot be predicted or controlled. However, we can control the measures and processes we employ to deal with new cases. It is the intention of this Plan that the processes being introduced will greatly assist at times of high new cases, but would free up time for more proactive enforcement at times of low new cases.

### **4) Increase in Enforcement Notices and consequential appeal work.**

1.7.8 As the focus is on closing simpler cases quickly, thereby leaving more time for the difficult cases, there is the real possibility that this approach would give rise to more formal enforcement action, which is resource intensive.

1.7.9 Not all appeals take the same time to deal with and even when the team spreads out the serving of Enforcement Notices, this does not prevent the Planning Inspectorate from batching Dacorum Enforcement appeals. Overall, this aspect of the service will need to be carefully monitored so that resources are not overloaded at any one point in time. The 4 and 10 year Enforcement clocks allow the team to delay the serving of a Notice slightly if it is needed for these reasons



## SECTION 2:

## NEW CASES : NEW PROCESSES

## 2.1 STRUCTURED FORTNIGHT

2.1.1 Each fortnight is to be carefully structured using a colour-coding categorisation system in Outlook to plan the next two weeks' activity.

2.1.2 A fortnight equates to 74 hours work. Out of this approximately two-thirds should be carefully programmed based on the times and categories in the table below. It is recommended that these are saved as re-occurring appointments in Uniform to avoid having to create these appointments each time. These scheduled tasks must be undertaken during these times. Therefore, it is important not to be distracted during these times and to only focus on the task at hand.

2.1.3 The remaining 21 hours allow for 'unscheduled work' (as described in the table below). This provides a large degree within the fortnight to take into account of the particular pressures of that two-weekly cycle. For example, there may be a particularly difficult Enforcement Notice report that requires additional time; or a site visit must take place outside of the designated times.

2.1.4 All tasks can fit within one of seven categories:

CATEGORY	HEADING	TASKS	HOURS
Green	Internal Meetings	Team Meetings, 1-2-1s, Review Meetings	5
Yellow	Site Visits	First site visits, subsequent site visits, compliance checks	16
Blue	Reports	Reports (NFA / NEXP / Recommending formal action)	16
Orange	Correspondence	Update complainants, Contact offenders, Advert letters, Invite applications / pre-applications	6
Red	Formal Action	Draft and service of Enforcement Notices, Draft and service of PCNs, Witness Statements, Legal work	4
Pink	Internal Tasks	Case Reviews, Indexing, Discussions / consultations with other DBC departments	6
Grey	Unscheduled Work	For those unexpected tasks / for when you need more time for a particular task	21

2.1.5 The 'scheduled' part of the structured week provides the basis of your fortnightly plan. Based on the incoming work and geographic area or case type focus for that fortnight it will be necessary to detail the cases you will be looking at, what tasks you need to complete, and how long you anticipate they will take. You may also already know that you need to use some of the 'unscheduled' time to complete a particular task for that fortnight. However, it is important to leave at least 5 hours of capacity unused each week within your fortnightly plan so that you can deal with that unexpected but urgent query.

2.1.6 There may also be occasions when there is no task available for a 'scheduled' task. For example, no case requires formal action that week. In which case, move on to the most pressing tasks you have at hand.

2.1.7 The fortnightly plans will be agreed on the Monday at the start of each fortnight and reviewed on the Fridays of weeks 1 and 2.

2.1.8 The following provides an example of a completed Structured Week:

7 - 13 June 2021  
 Hemel Hempstead, England  
 Today 17°C/7°C  
 Tomorrow 20°C/9°C  
 Wednesday 20°C/9°C  
 Search Plan

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
00					
01					
02					
03					
04					
05					
06					
07					
08					
09	UNSCHEDULED WORK	UNSCHEDULED WORK	WRITE UP REPORTS	UNSCHEDULED WORK	WRITE UP REPORTS
10	FORTNIGHT KICK-OFF MEETING	SITE VISITS / COMPLIANCE CHECKS	KEEP FREE FOR TEAM MEETING / 1-2-1	FAST TRACK SITE VISITS	
11	UNSCHEDULED WORK		CONTACT COMPLAINANTS / OFFENDERS	CONTACT COMPLAINANTS / OFFENDERS	CONTACT COMPLAINANTS / OFFENDERS
12		PROTECTED LUNCH BREAK	PROTECTED LUNCH BREAK	PROTECTED LUNCH BREAK	PROTECTED LUNCH BREAK
13	PROTECTED LUNCH BREAK		SITE VISITS / COMPLIANCE CHECKS	WRITE UP FAST TRACK REPORTS	UNSCHEDULED WORK
14	CASE REVIEWS	FORMAL ACTION			1st WEEK REVIEW MEETING
15					
16	UNSCHEDULED WORK	INDEXING			UNSCHEDULED WORK

## **2.2 IMPLEMENT HARM FILTER SYSTEM**

2.2.1 This is a process whereby an early assessment is made regarding the level of harm caused by the alleged breach of planning control / the breach of planning control. Harm can be assessed on a scale of 1 to 5, with 1 being the least harm / no harm and 5 being the most harm.

2.2.2 The first filter takes place by Managers in deciding whether the case is a 'Fast Track' case or not. The Fast Track system, as described below, is intended to deal with cases causing the least or no harm, i.e. those scoring a '1' on the harm scale.

2.2.3 The second filter needs to take place by Officers after completing their site visit. This could conclude that Fast Track cases initially rated as a '1', need to be increased. For all other cases, the Case Officer will need to score the harm out of 5 (and entering this number in the 'Dist.Office' field in the 'Reception/Complaint' tab), and then usually take the following actions accordingly:

<b>HARM</b>	<b>ACTION</b>	<b>WILL P/P BE GRANTED FOR DEVELOPMENT?</b>	<b>SEEK VOLUNTARY RESOLUTION</b>	<b>POTENTIAL PCN</b>
1	Close case / Update parties	Not needed or Absolutely, yes.		
2	Write letter to owner inviting planning application / Close Case / Update parties	Very likely.		
3	Write letter to owner inviting planning application / Await receipt of application / Close Case / Update parties	Likely.	X	
4	Write letter to owner inviting planning application / Await determination of application / Close Case or Formal Action / Update parties	Maybe yes, maybe no.	X	X
5	Formal Action	Definitely not.	X	X

2.2.4 In respect of cases in Harm level 3 or 4, unless there are specific technical reasons (such as the need for a bat report), the 28-day deadline for the receipt of applications cannot be extended.

2.2.5 It is clearly important that, in order to be able to make an appropriate harm assessment, we have adequate information from the complainants when they submit their request for an enforcement investigation to us. As such it is very important that the majority of cases are received via the web form as this contains the questions, which if filled in correctly, will provide us with the right information to make a harm assessment.

2.2.6 In order to reduce the amount of 'requests' received by other means, in particular by e-mail, we will:

1. Remove the planning enforcement e-mail address from the Web Pages. Customers will therefore be directed much more clearly to fill in the Web Form.
2. Write to all Members, advising them of the importance of using the Web Form for new requests, and to pass on this information to their constituents as and when required.
3. Write to all Town and Parish Councils, advising them of the importance of using the Web Form for new requests.

## 2.3 IMPLEMENT FAST TRACK SYSTEM

2.3.1 This process is intended to follow on from the case filter and provide a mechanism by which the simplest cases can be concluded in the shortest time possible. This 'blitz' approach also seeks to spend the minimum time possible on such cases.

2.3.2 As part of setting up of cases it will be decided whether a case should fall within the fast-track system or not. It is anticipated that the following types of cases are more likely to fall within the fast-track arrangements:

- Fly-posting, where the advertiser is not clear.
- Cases where it appears that no breach has occurred.
- Cases where it appears that this is a very minor breach.
- Technical breaches of planning control, e.g. where there would have been no breach if the works had taken place in a different order.
- Cases where it appears that the breach causes no harm.

2.3.3 Officers will know which cases are considered as a fast track case by seeing '1' in the 'Dist. Office' field in the 'Reception/Complaint' tab. This field is searchable and therefore Officers can also generate a list of fast track cases in their caseload.

The screenshot shows a software interface for case management. The 'Reception' tab is active, displaying a 'Complaint' form. The 'Dist. Office' field is circled in red and contains the number '1'. Other fields include Case Ref (E/21/00067/FEN), Breach Type (FEN - Excessive Height of Fence/Wall), Status (PCO - Under Investigation), Date Received (19.02.2021), and Subject (Erection Of Fence In Excess Of 2M In Rear Garden). The interface also shows navigation buttons at the bottom and a 'Save' button.

2.3.4 Fast track cases will be allocated on a geographic basis, approximately as follows:

**Cora:** Hemel Hempstead, Kings Langley, Bovingdon, Chipperfield, Flaunden

**Steve:** Berkhamsted, Tring, Long Marston, Wilstone, Wigginton

**All:** Markyate, Flamstead, The Gaddesdens, Potten End

2.3.5 There will be instances where a site visit establishes that the breach is more serious than the complaint describes, or where a site visit establishes additional, and more serious, breaches of planning control. In such cases the case can be taken out of the fast track process by Managers, through the deletion of '1' from the 'Dist. Office' field, and its allocation of a higher harm number.

2.3.6 Case Officers should build up five fast track cases, visit all five in one morning, and then write up all five for closure (subject to the points in the preceding paragraph) in the afternoon.

## 2.4 PERFORMANCE TARGETS

2.4.1 Three new performance targets will be introduced from 01.04.2021. These targets will be will measured both as a team and for individual Officers.

1) NO NET GAIN TO LIVE CASELOAD EACH MONTH

2.4.2 Live caseload cannot come down, let alone reduce to 400, without more cases being closed than being opened. It is therefore very important that, on a monthly basis, a net reduction is achieved. This will be presented as follows:

	TOTAL		
	Rec'd	Dec'd	Difference
Jan-21	40	23	17
Feb-21	24	46	-22
Mar-21	28	25	3
Apr-21	0	0	0
May-21	0	0	0
Jun-21	0	0	0
Jul-21	0	0	0
Aug-21	0	0	0
Sep-21	0	0	0
Oct-21	0	0	0
Nov-21	0	0	0
Dec-21	0	0	0
<b>TOTAL</b>	<b>92</b>	<b>94</b>	<b>-2</b>

2.4.3 A red score indicates an increase in live enforcement caseload, an orange score means no change to live caseload numbers, whilst a green score demonstrates a reduction in live caseload.

2.4.4 As such the performance target for the team and for individual Officers is to have a green score at the end of each month.

2) 90% OF ALL NEW HARM '1' CASES TO REACH A CONCLUSION WITHIN 4 WEEKS OF DATE OF RECEIPT

3) 90% OF ALL NEW HARM '2-5' CASES TO REACH A CONCLUSION WITHIN 12 WEEKS OF DATE OF RECEIPT

2.4.5 In respect of new cases the focus must be on concluding cases as quickly as possible so that:

- They do not contribute to an increasing live caseload, both for the team and for the individual.
- They do not overtaken by the next batch of new cases, with the resultant loss of focus.
- The amount of 'chasing' e-mails is reduced.

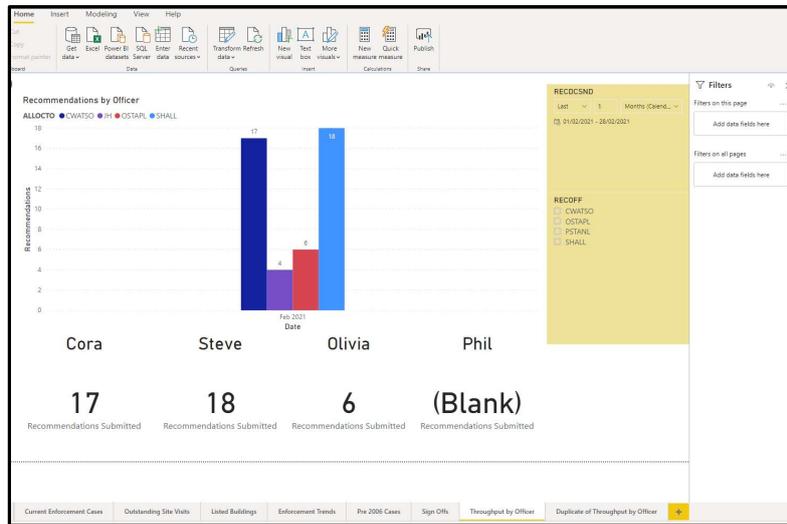
2.4.6 This performance measure will be measured quarterly.

2.4.7 By 'conclusion' this means:

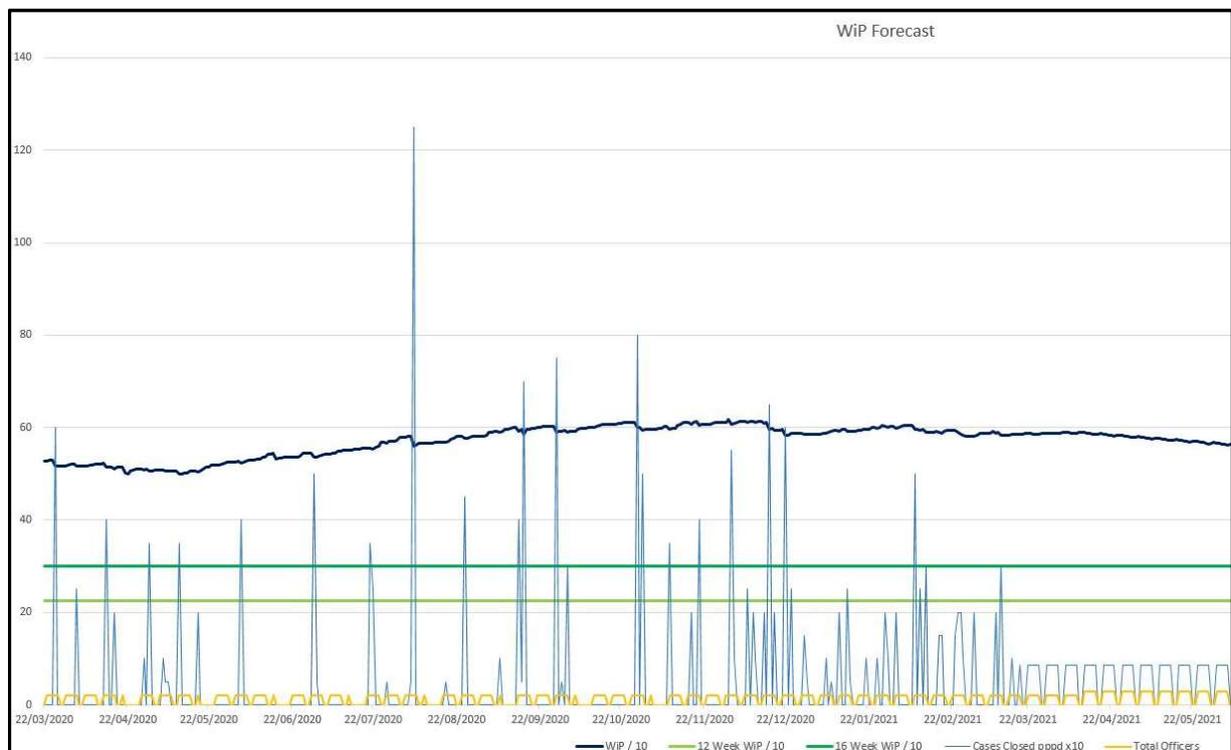
- Case report finished and submitted to Manager for sign-off.
- Planning application received.
- Enforcement Notice served.

2.4.8 Each week a list of cases 3-4 and 8-11 weeks old will be produced and circulated to all Officers.

2.4.9 These performances targets will be measured and reported using a combination Excel and Power BI, which will be available to all. The following image provides an example of the reporting capability of Power BI:



2.4.10 A live WiP chart has also been created, which depicts Officer resources and production, as well as the current live enforcement case numbers against a baseline of 300. It is noted that live case numbers are predicted to fall with the additional Enforcement Officer resource and with no changes to processes. However, this reduction would not be sustained (due to the temporary nature of the additional resources) and would not occur sufficiently fast to make the required difference in this financial year.



## **2.5 COMMUNICATING WITH THE PUBLIC**

2.5.1 The Local Enforcement Plan provides the following guidance in respect of when we are expected to provide updates to the public, notably the complainant and alleged offender.

**8.14** Due to resource availability, it is not always possible to keep individual reporters updated at each stage of the investigation. However, we will always update you to let you know when a retrospective planning application or an appeal against an Enforcement Notice has been received (to ensure that you have the opportunity to comment). We will also generally provide an update when a case is closed. However, in some circumstances where the resolution is readily apparent, such as the removal of an advertisement, no final update will be given.

**8.15** Further information on the case can also be obtained by contacting the case officer or by emailing: [planning.enforcement@dacorum.gov.uk](mailto:planning.enforcement@dacorum.gov.uk).

2.5.2 It is worth emphasising that it is usually delays in dealing with a case that generate e-mails requesting a case update. Therefore, if cases are dealt with in accordance with the measures outlined above, and if the public are updated in accordance with the LEP, then this should reduce the amount of 'chasing' e-mails significantly.

2.5.3 In accordance with the LEP, we are only expected to provide complainants with the following:

- 1) An acknowledgement that we have received their complaint and that we have opened an investigation.
- 2) Notification that a retrospective planning application or an Enforcement Notice appeal have been received, providing an opportunity to provide comments to the Planning Officer or PINS.
- 3) An update that the case has been closed (though not in cases where the resolution is readily apparent).

2.5.4 In order to reduce time spent on communicating with the public to a minimum acceptable level the following measures will be introduced:

- We will re-look at the acknowledgement letter to ensure that it is making it clear that we are unable to provide updates, except in situations (1) and (2) above.
- We will introduce measures whereby 'request for update' e-mails are replied by the generic Planning Enforcement mailbox, with a message based on 8.14 above, with a final sentence stating that a further update will be provided when either of those circumstances occur.
- We will re-look at how the web-site is used, and in particular the 'Case Progress' item.
- When closing a case, Officers can provide update to complainants / owners when sending report through to Managers for sign-off, with the caveat, "This is subject to the final decision of my manager. I will only write again should my manager reach a different view to the one outlined above". The use of Case Reviews, Action Plans, etc. should make it less likely that Officers are putting through a recommendation that Managers are not aware of and wouldn't approve.
- Greater use of Uniform template updates when closing a case, for example, loft conversion, porch or outbuilding cases, or NAP cases that are no breach. Potentially, include a sentence saying "no further correspondence will be entered into". These updates would be sent from a 'Do not reply' source.
- Further training / guidance provided to CSU.



**SECTION 3:**  
**OLD CASES : NEW FOCUS**

3.1 Old cases, i.e. those received prior to 01 April 2021, will be dealt with in three distinct phases as follows:

PHASE	DATE	CASE TYPES	1-YR ENF OFFICER ROLE
1	April 2021 – July 2021	2010 and older Data correction (duplicates) TPO / Trees in Conservation Areas Adverts / Estate Agent Boards s.215 (untidy land) Breach of Condition Listed Buildings / Conservation Areas	Receives 0-25% of new cases
2	August 2021 – November 2021	Not in accordance with approved plans No planning permission Listed Buildings / Conservation Areas	Receives 50-75% of new cases
3	December 2021 – March 2022	Change of Use of Land / Buildings Engineering / Tipping Operations Boundary treatments HMOs Unauthorised Building Listed Buildings / Conservation Areas	Receives 0-25% of new cases

**PHASE 1:**

3.2 The new Enforcement Officer (CD) will require training / support and will only be able to pick up a few cases in the first couple of months. As part of this training CD will write up the Ed's old cases, where Ed has already concluded these are ready to be written up. This will give CD the time and space to learn Uniform, basic planning policies, and basic GPDO, without the pressure of dealing with complainants, etc.

3.3 Cora and Steve will pick up the majority of new cases and will deal with these in accordance with the new processes outlined in Section 2. The team will also focus on 'quick wins'. These are cases where it is most likely that any enforcement action is likely to be out of time or no longer expedient. For example, breach of condition cases in excess of 10 years old, or TPO cases beyond the period for prosecution (6 months). These quick wins are shown in red in the table at 7.13.

**PHASE 2:**

3.4 In the middle four months the one-year Enforcement Officer (CD) will require less training, but will still require support. CD will receive the majority of new cases during this time (though not the complex cases), thereby freeing up Cora and Steve to deal with their backlogs.

3.5 Cora and Steve will receive noticeably less new cases during this period. This will allow them a period of two months to deal with 'Not in accordance with approved plans' cases, followed by a period of two months to deal with 'No planning permission' cases. These case types represent 51% of all live cases. Therefore, Cora and Steve need the time (4 months) and space (much less new cases) in which to consider and bring to a conclusion these cases.

3.6 By the end of Phase 2 the goal is to have a reached a live caseload figure of 500.

PHASE 3:

3.7 The final four months for the one-year Enforcement Officer will necessitate a winding down of new cases received by CD. This is to ensure that the team are not left with a large backlog of cases when that Officer leaves. It is anticipated, however, that the experience gained in the previous 8 months will enable CD to pick up Ed's old caseload and bring as many of these to a conclusion as possible.

3.8 Cora and Steve will therefore receive the majority of new applications. In addition, they will focus on a variety of miscellaneous case types, which individually amount to a small percentage of the overall team caseload, but when together would make a noticeable difference to live caseload.

3.9 By the end of Phase 3 the goal is to have reached a live caseload figure of 400.

ALL PHASES:

3.10 There will be instances when an 'old' case comes to the fore, either because it is realised that we are close to the date after which no enforcement action could be taken, or because a resident / member raises a serious concern about a matter.

3.11 In such situations it will be possible for these cases to be looked at and dealt with. Such numbers, however, need to be minimised. Otherwise the required focus as described above would be lost. It is therefore likely that Olivia will need to pick up some of these.

3.12 In addition, the team already have regular meetings with the Conservation Team in order to progress Listed Building cases. This approach will be continued for each phase, and will be expanded to include a triage approach with Conservation to deal with cases relating to Conservation Areas.

3.13 The following table provides a list of live cases as of 19.03.21 by year and by case type:

