



**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>
<b>If Part II, reason:</b>	

<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 where any harm 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 homeowner 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.

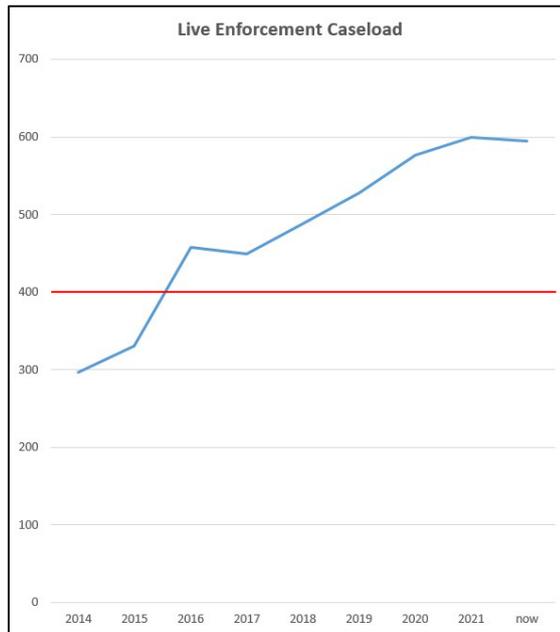
47. In terms of appeal performance in the past 12 months, out of a total of 8 decisions:

- 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.