

<b>Item 7</b>	<b>LOCAL ENFORCEMENT PLAN (2022 Projects and Priorities)</b>
<b>Case Officer</b>	<b>Philip Stanley</b>
<b>Referral to Committee</b>	<b>Operational document for Development Management and Planning</b>

## 1. Recommendation

1.1 That the proposed project / priority for 2022 within the Local Enforcement Plan – a focus on reducing open Enforcement cases received in the years 2012, 2013, 2018 and 2019 - be taken to the Portfolio Holder for **APPROVAL**.

## 2. Summary

2.1 According to paragraph 58 of the National Planning Policy Framework (NPPF), Local Planning Authorities should publish a local enforcement plan (LEP) to show how the delivery of the planning enforcement function is undertaken in their area.

2.2 The current LEP was approved in November 2019 and is publicly available on the Council's website, following this link: [https://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f\\_8](https://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f_8).

2.3 The contents of DBC's LEP incorporates an annual 'pull out' section, Section 9, entitled "Priorities and Projects". However, no objectives have yet been set for 2022. Consequently, it is important that these objectives be confirmed.

2.4 This report recommends that the priority for the remainder of 2022 be a focus on reducing planning enforcement cases that were received in the years 2012, 2013, 2018 and 2019, i.e. before it becomes too late to take formal Enforcement action due to the passage of time.

2.5 An associated Action Plan details how this focus is intended to operate throughout 2022.

## 3. Purpose of Local Enforcement Plan

3.1 Section 2 of the Local Enforcement Plan explains the purpose of the document. It firstly outlines what the NPPF expects a LEP to contain, and then details what the specific aims are for Dacorum's LEP.

3.2 According to paragraph 58 of the NPPF, a local enforcement plan, "*should set out how [Local Planning Authorities] will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate*". It should also demonstrate how it will, "*manage enforcement proactively, in a way that is appropriate to their area*".

3.3 These broad aims are expanded within paragraph 2.2 of Dacorum's LEP. 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. Therefore, the LEP needs to show how planning enforcement investigations within Dacorum will be carried out, explain the basis on which planning enforcement decisions are made, and detail the Borough's enforcement priorities. The LEP will also need to outline what 'proactive enforcement' means in the Borough.

#### 4. Planning Enforcement Priority Projects

4.1 As stated above the NPPF expects a Local Enforcement Plan to demonstrate how it will manage enforcement proactively. The majority of planning enforcement cases will be 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, DBC's LEP acknowledges that there are some 'hot topics' or 'problem areas' where the team's resources can be focused to make the maximum impact.

4.2 As such, Section 9 of the LEP introduced 'Priorities and Projects'. This section is 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 example, this could be a focus on listed buildings, or on the unauthorised hardpaving of front gardens, or on 'beds in sheds'.

4.3 The priorities and projects for the first two years of DBC's current LEP have been as follows:

YEAR	PROJECT NAME	PROJECT OBJECTIVE
2020	Project A 'Major Developments'	To monitor pro-actively all planning permission for significant major developments.
	Project B 'Adverts / Banners'	To keeps the local environment thriving and attractive by taking robust and prompt action along Maylands Avenue, the Two Waters Road / London Road junction and The Plough roundabout.
2021	Project A 'Major Developments'	To monitor pro-actively all planning permission for significant major developments.
	Project B 'Education'	To try to prevent breaches of planning control occurring in the first place.

#### 5. 2022 'Priority Project'

5.1 As stated above any annual priority or project must take into account the most important needs of the Borough, its residents and businesses, but must also consider the overall resources of the Planning Enforcement team. At present Planning Enforcement are without both its Assistant Team Leader and a third Enforcement Officer. Whilst, it is anticipated that these posts will be filled, they will remain vacant until at least the start of May. As such, any 2022 priority or project must reflect the current demands of the Enforcement team and not add further work to a department that is

already stretched.

5.2 An Audit of the Planning Enforcement service at Dacorum Borough Council was undertaken in the final quarter of 2021/22. This Audit recognised the progress the Enforcement team has made to reduce its historical caseload (pre-2021) from 445 to 289. This reflects the targeted work undertaken by the Enforcement Team in 'The 400 Plan', as well as in personal objectives that have been set for staff to reduce their historical caseload.

5.3 It is very important that historical cases are given just as much focus as new cases because, in most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

5.4 These time limits are set out in section 171B of the Town and Country Planning Act 1990.

5.5 Therefore, the Audit, in recognising that there remains a considerable number of open historical caseload, makes the following recommendation:

*“A further focused review be undertaken of the older open cases (focusing on those approaching the 4 year and 10 year passage of time dispensation), to ensure that appropriate action is taken and assurance is provided that cases will not lapse due to the time limits”.*

5.6 The following table details the number of Enforcement cases received in 2012, 2013, 2018 and 2019, as well as the number of those cases that remain open.

<b>YEAR</b>	<b>CASES RECEIVED</b>	<b>CASES OPEN</b>
2012	485	4
2013	473	3
2018	581	31
2019	531	69

5.7 Overall, it is very important that the cases highlighted in the table above are reviewed and the appropriate action taken to ensure that potentially harmful development is not allowed to remain due to the passage of time making such development unenforceable.

5.8 Whilst the Enforcement team currently do not have the capacity to review all historic cases (as well as deal with new breaches coming in), creating a focus on these four years is both necessary and sensible. Furthermore, the objective to either close these cases or take formal action against them in 2022 is realistically achievable.

## 6. 2022 'Priority Project' Action Plan

6.1 In order to ensure that the cases that remain open for 2012, 2013, 2018 and 2019 are reviewed and actioned in a logical and organised manner it is necessary for an Action Plan to be created, detailing how and by when each action should be undertaken.

6.2 The proposed Action Plan is as follows:

<b>ACTION</b>	<b>BY WHEN?</b>
(1) Create a list (spreadsheet) of all open cases for 2012, 2013, 2018 and 2019.	End of April 2022
(2) Analyse which cases are (1) already out of time, (2) already subject to formal enforcement action, and (3) being led by an Enforcement Officer still with the Council.	End of April 2022
(3) Review 2012 and 2018 cases, establishing the stage these cases have reached, and establishing 4 and 10-year deadline dates for cases involving serious breaches.	End of May 2022
(4) Write up all 2012 and 2018 cases that can be closed (breach resolved, no breach, not expedient, etc.)	End of June 2022
(5) Complete any further investigations required for 2012 and 2018 cases (site visits, PCNs, etc.)	End of July 2022
(6) Take formal enforcement action as appropriate for 2012 and 2018 cases.	End of Aug 2022
(7) Review 2013 and 2019 cases, establishing the stage these cases have reached, and establishing 4 and 10-year deadline dates for cases involving serious breaches.	End of Sept 2022
(8) Write up all 2013 and 2019 cases that can be closed (breach resolved, no breach, not expedient, etc.)	End of Oct 2022
(9) Complete any further investigations required for 2013 and 2019 cases (site visits, PCNs, etc.)	End of Nov 2022
(10) Take formal enforcement action as appropriate for 2013 and 2019 cases.	End of Dec 2022

## 7. Conclusion

7.1 It is considered that the proposed 'Priority Project for 2022', i.e. a focus on reducing open cases for 2012, 2013, 2018 and 2019, strikes an appropriate balance between dealing with enforcement matters that have the potential to cause significant and permanent harm and recognising the current capacity of the Planning Enforcement team. The proposed project would also ensure compliance with a recommendation of the recent Planning Enforcement service audit.

7.2 Through a focus on these years, the Planning Enforcement team will be in a much stronger position in 2023 to revert to the approach taken in 2020 and 2021, i.e. to focus on specific planning enforcement matters / topics that are of most concern to Members, residents and businesses of Dacorum.

**8. RECOMMENDATION** – That the proposed project / priority for 2022 within the Local Enforcement Plan – a focus on reducing open Enforcement cases received in the years

2012, 2013, 2018 and 2019 - be taken to the Portfolio Holder for **APPROVAL**.