

# Scrutiny Committee Report

Report of Planning Enforcement Team Leader

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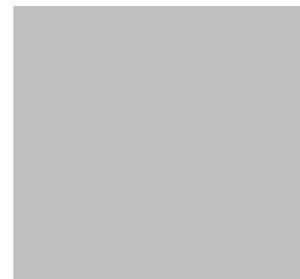
Vale Cabinet Member responsible: Roger Cox

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To: Vale SCRUTINY COMMITTEE

DATE: 23 October 2014



## Performance review of Planning Enforcement

### RECOMMENDATION

That Members review and provide comment on the teams performance and also provide comment on the teams proposed work plan for the next twelve months

### PURPOSE OF REPORT

1. To provide councillors with an overview of the current enforcement service and its performance and to inform members of proposals to update and improve the service over the next twelve months.

### THE PURPOSE AND STRUCTURE OF THE TEAM

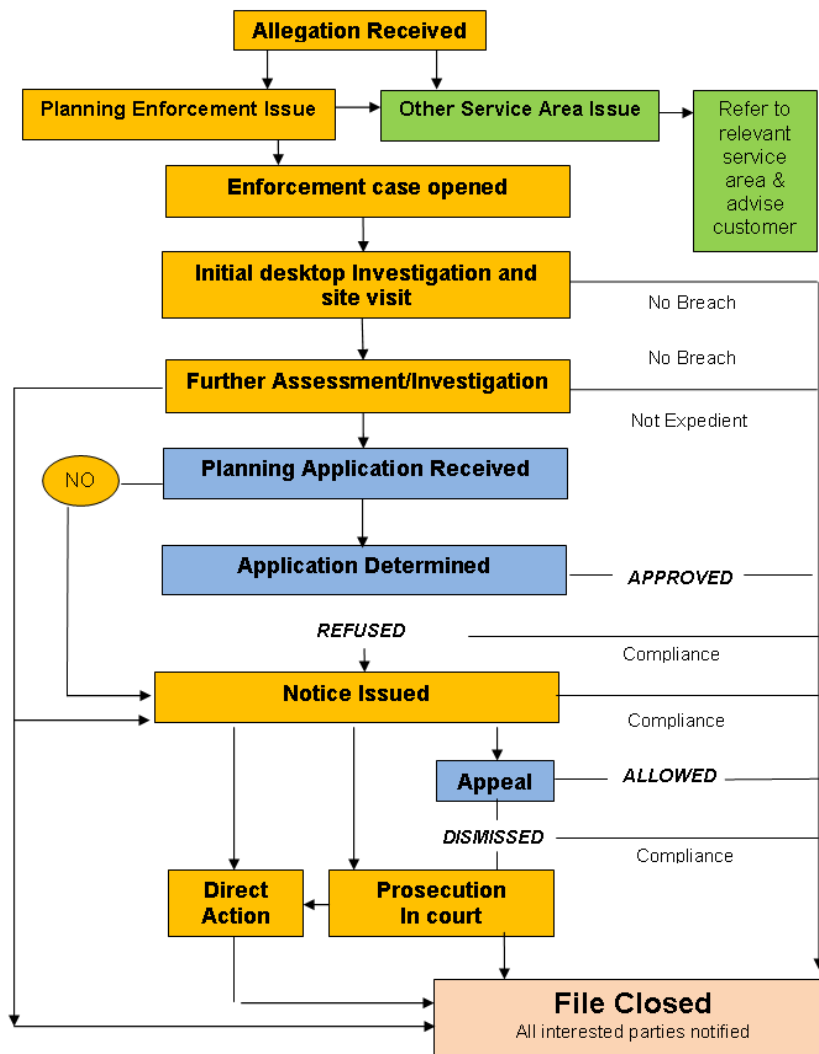
2. Planning enforcement is a discretionary power local authorities have to remedy breaches of planning control. Although it is discretionary, it is a vital part of the development management service – without it, much of the remainder of the service would be rendered ineffective and public confidence in the planning process would be undermined.
3. The enforcement team became a joint service in 2011. As of July 2014 we have a team of twelve officers including nine permanent officers, two temporary officers and the team leader, serving both councils work.

4. Within the team there are three planning officers who deal with more complex enforcement cases, retrospective planning applications and high hedge applications and six enforcement officers who deal with the majority of the enforcement enquiries. We also have another temporary officer who is working on specific longstanding complex cases.

5.

## **WORKING PRACTICES**

6. Currently the team works reactively and receives enquiries from a variety of sources
  - The website enquiry form
  - Telephone calls
  - Internal referrals from other departments, planning colleagues and Councillors
  - Letters
  - Emails into the enforcement inbox
7. Interested parties are kept informed during the investigation. However the timing and frequency differs depending on the complexity of the case. All enquiries are acknowledged in writing and in all cases all interested parties are informed of the outcome of the investigation when it is closed. The progress of investigations can also be tracked online at <http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/planning-enforcement>
8. Below is a general process map of the enforcement process:



9. As can be seen from the process map an enforcement investigation can be complex. Timeframes for resolution can vary widely from a matter of days to months and in some cases even years. When decisions are made they take into account the law, national and local planning policy and guidance and any other material planning considerations. Each case has to be determined in its own merits.
10. The planning enforcement regime is not a punitive one. Powers to take formal action are discretionary and the current system is in place to remedy planning harm. The system does not protect private interests or safeguard the value of property. Formal action must be proportional to the harm caused and in the public interest. This is why officers decide whether something is or isn't expedient to take formal action.
11. The NPPF states, 'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

12. The enforcement policy for Vale of the White Horse District Council, published in 2008, is out of date and procedures and processes have been simplified and updated as part of the Fit for the Future programme, captured in a series of Standard Operating Procedures. However, in line with the NPPF we are now producing a local enforcement plan, with a target completion date of December 2014.
13. Over the last 6 years there have been massive changes in organisation both locally and nationally. The National Planning Policy Framework and guidance notes have stripped the previous comprehensive guidance down to a small number of paragraphs.
14. The current service standards are;
  - 80% of cases to be determined within 6 weeks of registering the inquiry
  - 60% of cases to be resolved without the need for formal action being taken

## **RESULTS OVER LAST 3 YEARS**

15. In 2011 when the joint team was formed there were a large number of outstanding Vale cases (1700). These has now been carefully reviewed and reduced to under 200. On average we deal with 235 new Vale cases a year. However the last two years have shown an increase in enquiries and if we carry on at the same rate this year we will receive over 260 cases in 2014/15. See figure 1. This is probably due to a general upturn in the economy and an increase in the number of homes being built in the district.
16. 48% of cases handled by the team are found not to be breaches of planning control. Of the breaches identified 20% are deemed not be expedient to pursue and in 26% of cases we achieve compliance, through enforcement notices, regularisation through planning applications or by voluntary compliance achieved by negotiation without the need for formal action. See figure 2.

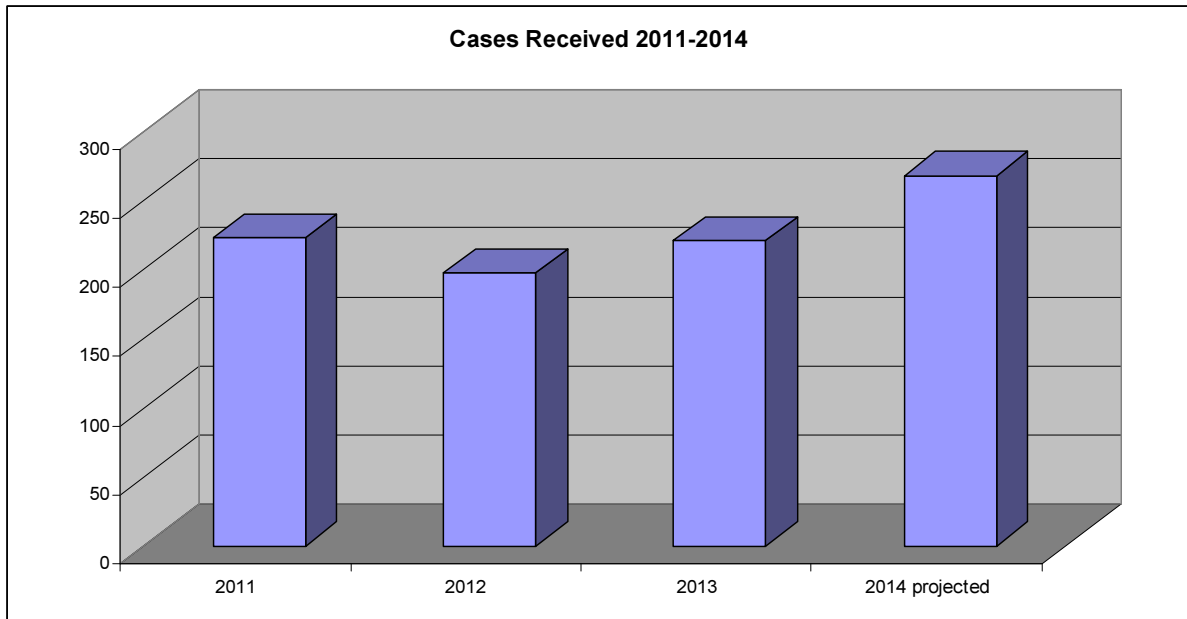


Figure 1

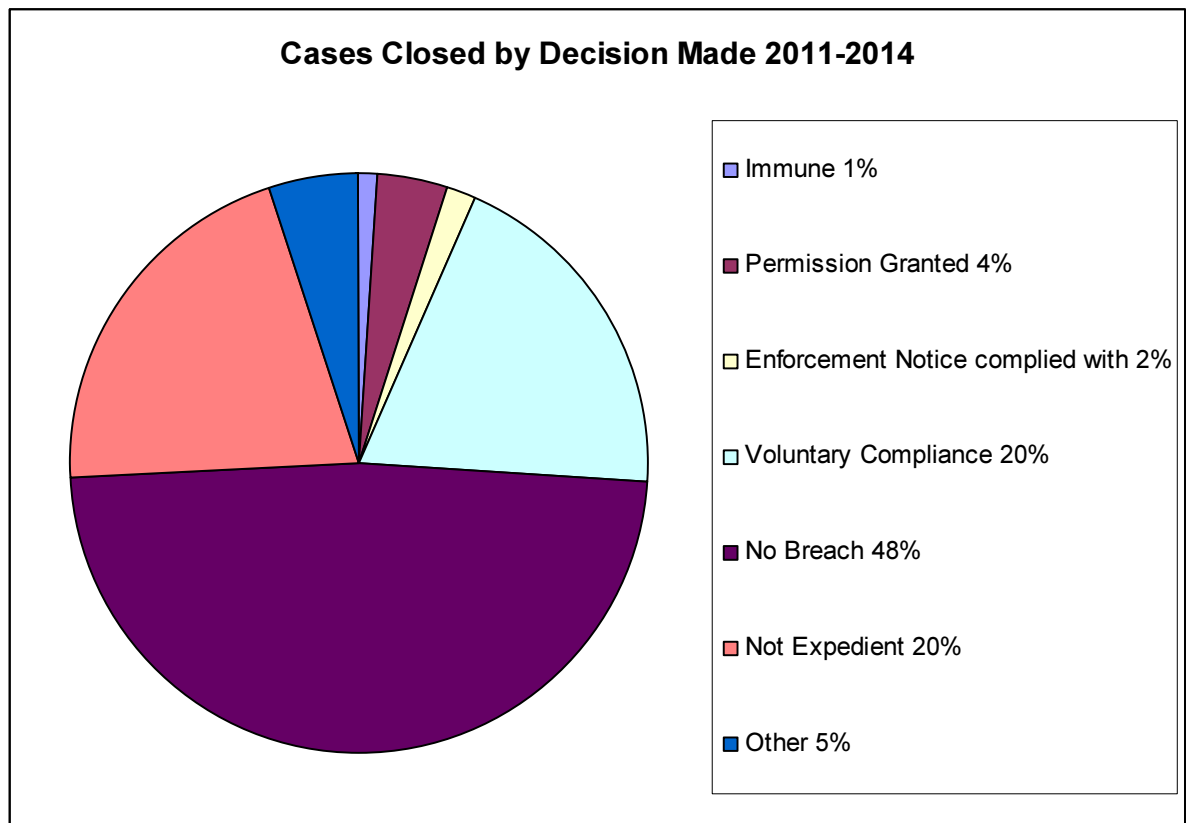


Figure 2

17. The team's performance has greatly improved since 2011. Determination times have been cut from 10 weeks to 6 weeks and target levels increased from 70% to 80%. In 2013 a new target was introduced in recognition of the NPPF proactive regime. Officers are now targeted with resolving 60% of cases by negotiation.

18. Currently the residents' satisfaction survey does not distinguish between planning and enforcement, with the planning service overall receiving a satisfaction rating of

54%. As part of the Customer Service Excellence programme we are developing specific indicators for enforcement and these will be implemented during this year.

## PROPOSALS FOR IMPROVEMENT

19. In the next 12 months the team will be refocusing its efforts to take into account the requirements of the NPPF & the council's strategic objectives. This will include

- Introduction of an enforcement plan containing clear advice for members of the public
- Placing an emphasis on managing development rather than enforcement (we are not a 'policing authority'). This will include closer working with the applications teams and building control to ensure that expediency decisions tie in with planning policy and that development is built in accordance with approved plans.
- Introduction of proactive practice especially on the major development sites in the district. This will send a message out to developers and members of the public that development implementation will be monitored to ensure compliance with the permission granted.
- Development of joint working with the councils building control, environmental health and legal teams to build on efficiencies and improve customer service.
- Improve working with outside agencies, especially Oxfordshire County Council. To ensure our resources are focussed on the right areas and to ensure we are as effective as possible.
- Develop a network of Parish Champions who can, with training, help be our eyes and ears locally. Again this will enable us to focus our resources on our priorities as well as helping to build relations with local communities and understanding about the planning regime.
- We will also hold a series of training and information sessions for Councillors and Planning Officers to pass on information and share best practice.

## CONCLUSION

20. The enforcement service has improved greatly over the last three years however there is still room for further improvement. The implementation of further improvements over the next 12 months will bring the service into line with the latest national policies, technical guidance and best practice. This will enable the council to best manage customer expectations and improve their experience of the service in an increasingly demanding area of work