



Development Control Committee	Thursday, 15 August 2024	Matter for Information
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Report Title: **Planning Enforcement and Appeals Summary (2023-2024)**

Report Author(s): **Jamie Carr (Planning Policy & Development Manager)**

Purpose of Report:	Provide Members with an annual update / summary in relation to Planning Enforcement activity and Planning Appeals for the 2023-2024 monitoring year.
Report Summary:	<p>The number of 'open' planning enforcement cases has stabilised at between 80-90 cases at any one time. In an ideal world, the number of open cases would be down at between 40-50 at any one time, however due to the limited resources within the service (1 full time Officer), this is not possible.</p> <p>Of the 10 appeal decisions made by the Planning Inspectorate, 9 appeals were dismissed (i.e. the Council won) and 1 appeal was allowed (i.e. the Council lost).</p> <p>If retrospective planning applications are refused by the Council, and / or dismissed by the Planning Inspectorate, the formal Planning Enforcement process and procedures will be followed</p>
Recommendation(s):	That the content of the report be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Teresa Neal (Strategic Director) (0116) 257 2642 teresa.neal@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of the Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk</p>
Strategic Objectives:	<p>Our Communities (SO2)</p> <p>Our Economy (SO3)</p> <p>Our Environment (SO4)</p>
Vision and Values:	<p>"Our Borough - The Place To Be" (Vision)</p> <p>Customer & Community Focused (V1)</p> <p>Collaborative & Creative (V3)</p> <p>Resourceful & Resilient (V4)</p>
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.

Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Regulatory Governance (CR6) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Background

- 1.1 It was agreed that a report summarising annual planning enforcement activity and appeal outcomes for the previous monitoring year, would be reported to the Development Control Committee annually.
- 1.2 As Members may be aware, the Council as a Local Planning Authority (LPA) is monitored on its performance in the determination of planning applications on a quarterly-basis.
- 1.3 In addition, the Council is required to have no more than 10 per cent of the total number of planning decisions made being overturned at appeal.
- 1.4 Further, the Council should not be having any Planning Enforcement Notices overturned at Appeal.
- 1.5 Further still, the Council needs to ensure that all development taking place within the Borough is lawful.
- 1.6 The purpose of this report is to provide an annual summary for the period 1 April 2023 to 31 March 2024 in relation to planning enforcement activity and planning appeal decisions made by the Planning Inspectorate.

2. Information

Planning Enforcement

- 2.1 Although the 2022-2023 monitoring year was fairly turbulent from a planning enforcement perspective, the 2023-2024 period has been much less so. There was substantial change within the service during 2022-2023, with the Council relying on agency staff to carry out the required activities. This led to a substantial backlog of planning enforcement related

cases.

- 2.2 Over the past 12 months, the service has been consistent in approach and has had a permanent Officer in post for the entire period. The number of 'open' planning enforcement cases has stabilised at between 80-90 cases at any one time. In an ideal world, the number of open cases would be down at between 40-50 at any one time, however due to the limited resources within the service (1 full time Officer), this is not possible. Although the number of cases is high, it is manageable. Planning Enforcement cases, do not have statutory determination timescales set like planning applications do, but the Council does have a duty to deal with planning enforcement cases as quickly as possible.
- 2.3 Between the 1 April 2023 and the 31 March 2024, over 120 (123) new planning enforcement cases were recorded on the Council's Planning Enforcement Database. This is a slight increase from the year before. In addition, approximately 50 enquiries were forwarded onto the Planning Enforcement Officer to investigate, but they were not deemed planning enforcement related, i.e. they were civil matters.
- 2.4 During the previous monitoring period, the Council's Planning Enforcement Officer has ensured that the Council's Enforcement Register is being kept up-to-date and accurate. Also the Council's Enforcement Plan has been updated.
- 2.5 Over the past 12 months or so, there have been no Planning Enforcement Notices successfully appealed.

Planning Appeals

- 2.6 Between 1 April 2023 and 31 March 2024, the Planning Inspectorate decided 10 planning appeals relating to planning application decisions that the Council had previously made.
- 2.7 Of the 10 decisions made by the Planning Inspectorate, 9 appeals were dismissed (i.e. the Council won) and 1 appeal was allowed (i.e. the Council lost).
- 2.8 The 1 appeal that was allowed by the Planning Inspectorate was done so, as the Inspector considered that although the brick slips to be used were not appropriate or the preferred material, it would be unreasonable for the Council to make the applicant demolish the extension and start again.
- 2.9 A summary of each appeal decided by the Planning Inspectorate is contained in the table below.

Appeal Site Location	Description of Development	LPA Decision Date Del / Com Type of Appeal	Appeal Outcome & Date	Summary of Inspectorate outcome
No. 1 Cottage Road, Wigston	Retrospective planning application for retention of boundary fence on both Welford Road and Cottage Road.	Refusal Delegated 18.11.2022	Appeal Dismissed 26.06.2023	Detrimental impact on character and appearance of the area.
No. 1 Southmeads Close, Oadby	Change of use of front drive to car sales.	Refusal Delegated 14.10.2022	Appeal Dismissed 10.05.2023	Would harm the character and appearance of the

				locale and conservation area.
No. 15 Namur Road, South Wigston	Erection of 1 x 3 bedroomed, two storey detached property.	Refusal Delegated 17.08.2022	Appeal Dismissed 21.09.2023	Would harm the character of the area and impact mature trees.
No. 53 Hidcote Road, Oadby	Construction of single storey extension at side and rear.	Refusal Delegated 23.11.2022	Appeal Dismissed 28.04.2023	The proposed extension would be harmful to the character and appearance of the area.
No. 281 Leicester Road, Wigston.	Unauthorised structure to front of Café.	Refusal Delegated 09.09.2022	Appeal Dismissed 19.09.2023	Harmful to the character and visual amenity of the area. Also significant highways and pedestrian safety risk.
No. 2 Oadby Court, Leicester Road, Oadby	Rooftop extension, addition of a 2 nd floor room.	Refusal Delegated 28.07.2023	Appeal Dismissed 02.11.2023	Great weight must be attached to the Conservation Area and the proposal impacts its character.
No. 9 Manor Road Extension, Oadby	Installation of front and side boundary walls, gates and railings and extension of existing drop kerb.	Refusal Delegated 02.06.2023	Appeal Dismissed 02.11.2023	Out of character and poor design, not in keeping with the street scene.
No. 1 Kensington Drive, Wigston	Retention of single storey extension at side of house.	Refusal Delegated 21.09.2023	Appeal Allowed 18.12.2023	Brick slips may not be a preferred material in terms of quality, but, I consider that it would be unreasonable to dismiss this appeal and consequently require the demolition of the extension on the basis of the materials.
No. 20 Coombe Place, Oadby	Large scale extensions to existing bungalow.	Refused Delegated 13.10.2023	Appeal Dismissed 26.01.2024	Out of character in scale and design.
No. 1 Calverton Avenue, Wigston	Single storey side extension	Refused Delegated 20.10.2023	Appeal Dismissed 19.03.2024	Detrimental impact on character and appearance of area. Incongruous appearance.

2.10 Taking account of the total number of planning application decisions made (circa 500) during the last monitoring year (2023-2024) the Council could have had circa 50 planning application decisions overturned (lost) at appeal by the Planning Inspectorate and still be within the 10 per cent statutory target. With the Council only having one decision overturned the percentage is negligible and nearer 0 (zero) than 1 per cent. This shows that the Planning Department continues to make robust planning decisions. It also highlights that local planning policy and guidance remains robust and up-to-date.

2.11 Although details cannot be mentioned due to the confidential nature of Planning Enforcement cases. If retrospective planning applications are refused by the Council, and / or dismissed by the Planning Inspectorate, the formal Planning Enforcement process and procedures will be followed. As mentioned in paragraph 2.5 of this report, there have been no Planning Enforcement Notices appealed, and / or overturned, therefore it is apparent that the Planning Department is making robust and justified enforcement decisions.