



Development Control Committee	Thursday, 13 April 2017	Matter for Information and Decision
--------------------------------------	--------------------------------	--

Title: **Planning Enforcement Activity Report 2016/17**

Author: **Stephen Robshaw (Planning Enforcement Officer)**

1. Introduction

At the meeting of the Development Control Committee on 17 February 2016, Members resolved that for a period of one-year (i.e. 12 months) that the Development Control Sub-Committee (Enforcement) would be suspended given the levels of input now required following appointment of a permanent Planning Enforcement Officer in February 2015, a noticeable decrease in the level of cases on-hand and the time some cases had been on-hand before being dealt with expeditiously.

2. Recommendations

- 2.1. The meetings of the Development Control Sub-Committee (Enforcement) be herewith suspended for a further period of one-year (i.e. 12 months).
- 2.2. The proposal for the next Planning Enforcement Activity Report to be written up to cover the period to 31 March 2018, to be approximately in line with the end of the municipal year, and repeated annually thereafter, be approved.

3. Information

- 3.1. During the period 1 January 2016 - 21 March 2017, the enforcement activity that has taken place is as follows:

Number of cases on hand at the start of the period	129
Number of new cases registered in the period	89
Number of cases closed in the period	171
Number of live cases currently on-hand	47

- 3.2. During the period 1 January 2016 - 21 March 2017, a total of 18 formal Enforcement Notices (EN's) were served and, of those, 7 have fully complied with the requirements of the EN served. The remainder of EN's are being constantly monitored, with some eligible for the commencement of prosecution proceedings and, or, consideration of direct action being taken by the Borough Council in default.

- 3.3. During the period 1 January 2016 - 21 March 2017, there have been two prosecutions in the Magistrates Court as follows:

Failure to comply with an Enforcement Notice	1
Unauthorised works to a protected TPO tree	1

Both of the above prosecutions were successful and costs were awarded to the Borough Council in both instances.

Also during the same period, the Magistrates Court granted the Borough Council a Warrant for Entry into premises in order to carry out a proper investigation where reasonable grounds existed to believe there was a breach of planning control but entry had been previously denied by the occupant/owner.

- 3.4. During the period 1 January 2016 - 21 March 2017, there were two appeals against the service of Enforcement Notices: one of which was won by the Borough Council and the other was withdrawn by the appellant.
- 3.5. Currently, the oldest case on-hand is 4 years old and was 2-years old when the Planning Enforcement Officer joined the Council. At this present moment in time, the owner of the property in question has failed to comply with the requirements of an Enforcement Notice and consideration will now be given to the commencement of prosecution proceedings.
- 3.6. As Members will be able to glean from the above, enforcement cases continue to decrease in both number and age and the Planning Enforcement Officer can see no reason to suppose that this will not continue to be the case for the foreseeable future.
- 3.7. Action taken by the Planning Enforcement Officer has also led to a substantial number of retrospective planning applications being received to regularise breaches of control.
- 3.8. The Planning Enforcement Officer proposes that the next Planning Enforcement Activity Report be written up to cover the period to 31 March 2018, to be approximately in line with the end of the municipal year and repeated annually thereafter.

Background Documents:-

Report entitled 'Current Justification for Development Control Sub-Committee (Enforcement)' of the Planning Enforcement Officer presented at the Development Control Committee meeting on 17 February 2016.

Email: stephen.robshaw@oadby-wigston.gov.uk

Tel: (0116) 257 2733

Implications	
Financial (CR)	The content of this report engenders a saving of expenditure.
Legal (AC)	No significant implications.
Risk (SR)	CR6 - Regulatory Governance.
Equalities (SR)	No significant implications.
	Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable