



Development Control Committee	Thursday, 27 July 2023	Matter for Information
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Report Title: **Planning Enforcement and Appeals Summary (2022-2023)**

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

Purpose of Report:	Provide Members with an Annual update / summary in relation to Planning Enforcement activity and Planning Appeals for the 2022-2023 monitoring year.
Report Summary:	<p>Significant change has occurred within the Council's Planning Enforcement service over the past 12 months. A change in personnel and a change in working practice has led to a significant reduction in the number of backlog enforcement cases. The number of live cases has decreased from over 400 to 77.</p> <p>Between 01.04.2022 and 31.03.2023, the Planning Inspectorate decided 11 planning appeals relating to planning application decisions that the Council had previously made.</p> <p>Of the 11 decisions made by the Inspectorate, only 1 went against (appeal allowed) the Council's planning application decision.</p>
Recommendation(s):	That the content of the report be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Adrian Thorpe (Head of Built Development) (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:	<p>Decreasing Financial Resources / Increasing Financial Pressures (CR1)</p> <p>Reputation Damage (CR4)</p> <p>Regulatory Governance (CR6)</p> <p>Economy / Regeneration (CR9)</p>

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:-	
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 needs to ensure that all development taking place within the Borough is lawful.
- 1.5 The purpose of this report is to provide an annual summary for the period 01.04.2022 to 31.03.2023 in relation to planning enforcement activity and planning appeal decisions made by the Planning Inspectorate.

2. Information

Planning Enforcement

- 2.1 Over the past 12 months, the Council's Planning Enforcement service has seen significant change. In late October 2022, the Council's Planning Enforcement Officer at the time left the authority. The Officer had been with the Council for a number of years prior.
- 2.2 Since late November 2022 until mid-April 2023, it was necessary to provide the Council's Planning Enforcement service by experienced Planning Enforcement interim staff to ensure continuity with the service. In April 2023, the Council recruited a permanent Planning Enforcement Officer – Hitesh Tosar. Hitesh has a number of years of local authority planning enforcement experience.
- 2.3 As a result of a review of the Planning Enforcement Service by the Planning Policy and Development Manager during this time, alongside the experience of the interim staff, it became apparent that whilst our structure consisting of one Planning Enforcement Officer is sufficient on a day to day basis, it was insufficient to clear the backlog of cases that had built up and to update the necessary policies and procedures to ensure that the service is up to date from a legislative point of view. Therefore, for a fixed 3 month period the

Council has retained the services of an interim member of staff to focus specifically on these areas of work

- 2.4 As a result, we have now been able to reduce the number of open enforcement cases from over 400, to 77. Of the 77 open cases, 64 are planning enforcement related and 13 are related to tree enforcement.
- 2.5 Prior to the interim resource ending, the service is seeking to reduce the number of open cases further, to circa 40-50. It is considered that 40-50 open planning enforcement cases at any one time is considered manageable and provides a baseline that we will be able to manage in the future.
- 2.6 One way that we intend to manage enforcement caseloads in the future to keep it at a manageable level is that whereas historically, all enforcement related enquiries were logged onto our back office system as enforcement cases, we have now introduced a filtering process, so that only those breaches that need an enforcement investigation are logged. Other enforcement related enquiries are dealt with by the Planning Enforcement Officer on an early resolution basis directly with the customer.
- 2.7 Due to this change in process, the number of new enforcement cases registered on the system annually has decreased from 224 during the 2021-2022 period, to approximately 115 new registered cases during the 2022-2023 period.

Planning Appeals

- 2.8 Between 01.04.2022 and 31.03.2023, the Planning Inspectorate decided 11 planning appeals relating to planning application decisions that the Council had previously made.
- 2.9 Of the 11 decisions made by the Inspectorate, only 1 went against (appeal allowed) the Council's previous planning application decision. Of the remaining 10 decisions made, 6 were dismissed (agreed with the Council decision), 3 were returned as invalid, and 1 was withdrawn by the applicant.
- 2.10 A summary table of the 11 decisions made by the Planning Inspectorate is attached below.

Appeal Site Location	Description of Development	LPA Decision Date Del / Com Type of Appeal	Appeal Outcome & Date	Summary of Inspectorate outcome
Alpha House, Countesthorpe Road, South Wigston	Change of use of ground floor offices to storage and distribution.	Refusal 10 th October 2021 Delegated	Appeal returned as documents not submitted prior to the 6 month deadline. 13 th April 2022.	N/A
50 Kenilworth Road, South Wigston	Single storey side extension to a corner plot.	Refusal 25 th February 2022 Delegated Householder – written reps.	Appeal allowed 23 rd May 2022.	Against the Council's Policy and Guidance, but wasn't significantly out of character due to other examples locally.
5 Maidwell Close, Wigston	Use of residential dwelling by two childminders and one assistant.	Refusal 1 st October 2021 Delegated Householder – written reps.	Appeal dismissed 24 th May 2022	Proposal would be detrimental to the neighbours and local area.
14 Bankart Avenue, Oadby	Loft extension, alterations to roof and new second floor access.	Refusal 9 th December 2021 Delegated Householder – written reps.	Appeal dismissed 9 th June 2022	Proposed development would harm the character and appearance of the area.
13 Two Steeples Square, Wigston	Rear flat roof dormer.	Refusal 16 th February 2022 Delegated Householder – written reps.	Appeal dismissed 10 th June 2022	Proposal would harm the character and appearance of the area.
41 High Leys Drive, Oadby	Two storey side extension, single storey front and side extensions plus	Refusal 24 th September 2021 Delegated	Appeal Dismissed 30 th June 2022 No costs awarded.	Over development of plot and out of character. Harm to local character.

	canopy to front.	Householder – written reps.		
98 Seaton Road, Wigston	Two storey side extension and single storey front extension.	Refusal 28 th April 2022 Delegated Householder – written reps	Appeal Dismissed 2 nd September 2022	Proposed development would harm the character and appearance of the existing dwelling and appear overly dominant.
Aylestone Lane, Wigston	5G Telecomms mast	Refusal 20 th July 2022 Delegated	Appeal withdrawn 11 th October 2022	N/A
154 Glen Road, Oadby	Retrospective application for two-storey side and rear extension, single storey front & rear extension, Loft with dormer at rear, alterations and outbuilding at the rear of the property.	Refusal 12 th August 2022 Delegated	Appeal turned away. Late documents. 23 rd November 2022	N/A
281 Leicester Road, Wigston	Unauthorised structure to front of Café.	Refusal 9 th September 2022 Delegated	Appeal not valid. 07.12.2022	N/A
78 Saffron Road, South Wigston	Loft conversion; one rooflight at front; wraparound box dormer extension at rear and side; alterations to house.	Refusal Delegated 27.05.2022	Appeal Dismissed 30.03.2023	Would harm the character and appearance of the host dwelling.

- 2.11 Taking account of the number of decisions made (roughly 500-600) during the last monitoring year (2022-2023) the Council could have between 50-60 planning application decisions overturned (lose) 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.
- 2.12 As outlined above, the Planning Inspectorate only overturned 1 of the Council's planning application decisions. So far this year (between April 2023 and July 2023), the Inspectorate has dismissed (agreed with the Council's decision) all of the planning appeals lodged against the Council's planning application decisions.