

**Informal Joint Performance and Audit Scrutiny Committee  
30 May 2019**

<b>Profile of Planning Enforcement Cases by Date</b>		<b>Q3 Oct – Dec 2018</b>	<b>Q4 Jan – Mar 2019</b>
		<b>Total</b>	<b>Total</b>
Cases resolved in period 01/01/2019 - 31/03/2019	<b>Resolved</b>	<b>100</b>	<b>73</b>
New cases received in period 01/01/2019 - 31/03/2019	<b>Incoming</b>	<b>93</b>	<b>97</b>
Total number of outstanding enforcement cases as of 31/03/2019		<b>250</b>	<b>282</b>
	<b>Age of open enforcement cases</b>		
	<b>&lt;1 Month</b>	<b>18</b>	<b>25</b>
	<b>1 Month</b>	<b>18</b>	<b>24</b>
	<b>3 Months</b>	<b>24</b>	<b>18</b>
	<b>6 Months</b>	<b>53</b>	<b>28</b>
	<b>1 year</b>	<b>42</b>	<b>67</b>
	<b>2 years</b>	<b>52</b>	<b>57</b>
	<b>3 Years</b>	<b>24</b>	<b>33</b>
	<b>3+ Years</b>	<b>19</b>	<b>30</b>

**Explanatory Notes – activities typically in train during these timescales**

**Under 1 month** - cases awaiting triage, desk assessment and site inspection. Advice and/or no further action

**Over 1 month** - Site inspection completed - giving advice, further investigation, speaking to other services or agencies.

**Over 3 months** - Negotiating cessation, submission of planning application to regularise the breach, awaiting legal advice.

**Over 6 months** - Awaiting outcome of planning application or appeal. Examples: Operational (built) development, UPVC windows in conservation area, businesses from home.

**Over 1 year-** More complex sites with multiple planning breaches or where harm has or is occurring and requires a formal remedy. Examples include untidy land, prosecution for tree offences, advertisements and also commercial sites where economic benefit needs to be balanced.

**Over 2 years** - As above and includes complex sites and/or protracted actions with land owners. Cases going through prosecution and or process to take direct action in default of a notice.

**Over 3 years and beyond** - Sites with continuing and developing multiple issues. Direct action and repeated prosecution and high court action

### **Additional Information**

Land use and development enforcement issues tend to fall into two categories:

**Operational (built) development** is the easiest to regularise from an enforcement perspective. Most are non development, permitted development, de minimis, voluntarily remedied through advice or not expedient to pursue and can be closed quickly. Some will require planning permission which will extend that period, but will mostly be closed within a matter of months. Similarly breach of conditions are often quick to clear as the matter will be voluntarily resolved or a condition varied.

**Land use issues** are more time consuming and problematic. These cases are generally more contentious and involve appeals. In this category there will also be some low level issues where developers will not voluntarily comply and therefore go down the notice and appeal route. As an example, if a notice is appealed, it generally takes 12-18 months to get a decision and then, assuming an unsuccessful appeal, a further period of compliance. Non-compliance with a notice is an offence which extends the matter out even further.

Examples are representative, the specific site details have been excluded for GDPR purposes however this information can be provided if required. The rule of thumb is the degree of harm, whether it is capable of being put right and the cooperation of the landowner. Of specific note however is that it is currently taking us between 12-18 months for an appeal to be determined by PINS (which is a National issue) and adding any subsequent period of compliance to that time where the appeal is refused means that these issues are beyond our control.