

PLANNING ENFORCEMENT PLAN AND CASELOAD PROGRESS REPORT

1.0 PURPOSE OF REPORT

- 1.1 To identify the level and nature of enforcement activity undertaken by the Planning Enforcement team in 2018.
- 1.2 To update members on the progress of the draft Planning Enforcement Plan, and introduce an updated version, following consultation, to be finalised and displayed on the Council's website. This will form the basis for how the Planning Enforcement team operates.

2.0 BACKGROUND

- 2.1 Gloucestershire County Council employs one-full time Planning Enforcement Officer, based in the Planning and Development Management Team. The role exists to investigate and take appropriate action against any alleged and identified breaches of planning regulations respectively. Some support is also provided by the Council's Senior Planning (Monitoring and Compliance) Officer, and occasionally from other officers in the team.
- 2.2 Since April 2018 this role has been undertaken by Andy Birchley, who alongside the core business of investigating breaches has also been reviewing working practices, to make sure they are up to date, fit for purpose or merit change as a result of other identified good practice. As a result a draft Planning Enforcement Plan has been produced setting out the Council's approach to planning enforcement, outlined in section 4.0 below.

3.0 CURRENT WORKLOAD

- 3.1 2018 has been a transitional year for the work of the planning enforcement service. From January 2019 there will be changes to the way complaints are recorded and how progress in responding and resolving them is monitored.
- 3.2 Consequently a full report on progress (as set out in the November 2018 Planning Committee enforcement report), including identifying specific cases where formal action has been taken, will be presented to future Planning Committees.
- 3.3 The following is a summary of activity for 2018:
 - 48 new enquiries received leading to formal investigation

- 22 investigations resolved or otherwise concluded
 - 26 investigations ongoing
 - 6 Breach of Conditions Notices served, all relating to breaches of operational conditions at Westington Quarry by SDL Biomass Ltd. These relate to operations taking place outside of permitted hours, and noise levels recorded above the permitted 46db level.
- 3.4 Following continued breaches relating to operational hours, the County Council has also initiated prosecution proceedings, with a first Hearing due to take place at Cheltenham Magistrates Court on Monday 14th January. Members will be updated verbally at this January 2019 Committee as to its outcome.
- 3.5 The County Council are expected to investigate complaints relating to its own land or services, and approach their resolution, in the same way as it would for any other breach of planning control reported. In order to demonstrate this transparency, reports to committee will specify such investigations, identifying the current position.
- 3.6 During 2018 a total of 7 reports of planning breaches relating to County Council land and/or services have been made, and investigated. 4 of these have been resolved or otherwise concluded, with the following three cases still under discussion:
- Cleeve School – Some external lights remain on beyond 9pm deadline for switching off (as required by planning condition). The County Council’s Asset Management and Property team have arranged for them to be switched off.
 - Willows Caravan Site, Sandhurst – The Environment Agency have reported waste tipping on this site, owned by the County Council. The Senior Planning (Monitoring and Compliance) Officer has approached the Council’s Integrated Transport Manager (under whose remit the management of the land falls) to work to clear waste and best prevent future tipping taking place.
 - St. Whites School, Cinderford – complaint received mid December concerning school parking and drop off / pick up along Syned Wood Road. Currently under investigation.

4.0 PLANNING ENFORCEMENT PLAN

- 4.1 Paragraph 58 of the revised National Planning Policy Framework (2018) encourages local planning authorities to publish an Enforcement Plan to set out how planning permissions are monitored, how it investigates alleged cases of unauthorised development and how it takes action where appropriate.
- 4.2 A draft version of the Council’s Planning Enforcement Plan was presented to members at the November 2018 Planning Committee, prior to being sent to

those officers working with the team, for comments. The Plan is also displayed on the Council's website.

4.3 The Plan is not intended to be a policy document, but act as a public-facing reference document, broadly covering the following, providing:

- An explanation of planning, the specific functions carried out by the County Planning team, what normally represents a breach of planning control, and what doesn't.
- Links to other websites for further information on planning enforcement.
- How to report a breach of planning, and the service standards the public should expect to receive from the planning enforcement team.
- How we investigate reports, including how we prioritise cases to ensure that urgent matters are investigated sooner.
- How we make decisions, what formal or legal powers are available, and when they are used.
- How we publicise the service and where further information can be found.

4.4 13 responses have been received following consultation, including from 4 of the 6 District Planning Authorities, the Environment Agency, as well the County Council's Legal Services team and its Asset and Property Management Service.

4.5 The following comments were made amongst the responses received:

- The Council's commitment to firm action, where merited, is welcomed.
- Although there are some concerns over the size of the document, it is easy to reference.
- Some examples of the terms used in Section 2 would be helpful (i.e. those instances where there is no breach of planning).
- The opportunity to work with the Enforcement Officer to clarify County and District planning (enforcement) responsibilities is welcomed.
- The clarification of other roles, and how various teams work together, has been agreed.

4.6 In response to these comments, the following actions have been taken or are planned:

- All respondents have been thanked for their comments.
- Changes have been made to the draft Enforcement Plan where further clarification was required.
- A one page Executive Summary has been added to the front of the Enforcement Plan as a guide for users.
- A 'County Matters' guide is to be developed by the County Planning Enforcement Officer working with District Planning Enforcement officers. This will define roles, set out which type of enquiries should be directed where, and agree how County and District officers will work together to resolve matters.

- 4.7 A revised draft of the Planning Enforcement Plan has been posted on the Council's Planning web pages, with the intention that it be finalised following this Planning Committee.

5.0 CONCLUSION

- 5.1 The performance of the Planning Enforcement team is set out in section 3 and demonstrates the County's commitment to investigate and responding to breaches of planning control, and where necessary taking formal action.
- 5.2 This approach is set out in more detail within the Council draft Planning Enforcement Plan, which will come into effect following this committee.

CONTACT OFFICERS:

Kevin Phillips – Team Manager, Development Management and Minerals and Waste Planning
kevin.phillips@gloucestershire.gov.uk
01452 427979

Andy Birchley - Senior Planning Officer (Enforcement)
andy.birchley@gloucestershire.gov.uk
01452 425664