

PLANNING ENFORCEMENT PROGRESS REPORT

Planning Committee – 7th July 2022

1.0 PURPOSE OF REPORT

- 1.1 To identify the level and nature of enforcement activity undertaken by the Planning Enforcement team (as Minerals and Waste Planning Authority) during 2022 up to and including 14th June, comparative to previous years.
- 1.2 To highlight complaints received and identify progress on planning enforcement matters raised as 'Regulation 3 Development', i.e. where the County Council is either the landowner, in control of the land, or the activity relates to the Council's functions.
- 1.3 To provide further details regarding the planning enforcement service, how it operates, and other work undertaken.

2.0 BACKGROUND

- 2.1 Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Gloucestershire County Council employs one-full time Planning Enforcement Officer, covering the whole of Gloucestershire, based in the Planning and Development Management (PDM) team. The role exists to investigate alleged breaches of planning regulations, work with those responsible to resolve any issues identified, and consider appropriate action where identified breaches cannot be remedied through other approaches.
- 2.2 The expectation of a Planning Enforcement service is often that action can and should be taken immediately to reverse unauthorised development or address unlawful activity. While this may be possible for the most serious and urgent of matters, the reality is that a Planning Enforcement Officer spends the vast majority of his/her time in resolving matters through investigation, negotiation, and persuasion. The scope of this work at Gloucestershire County Council is set out in section 3 of this Report.
- 2.3 Formal enforcement action is sometimes necessary, however is considered a last resort, as it is hoped that compliance will be achieved by mutual agreement. The Council's commitment to taking such legal actions is set out in its Planning Enforcement Plan. However, this last resort should only be considered when necessary evidence relating to a breach has been clearly gathered, the harm caused by its impact is demonstrable, and where the Council decides it is expedient, in the public interest, and legally sound. Where all these tests are

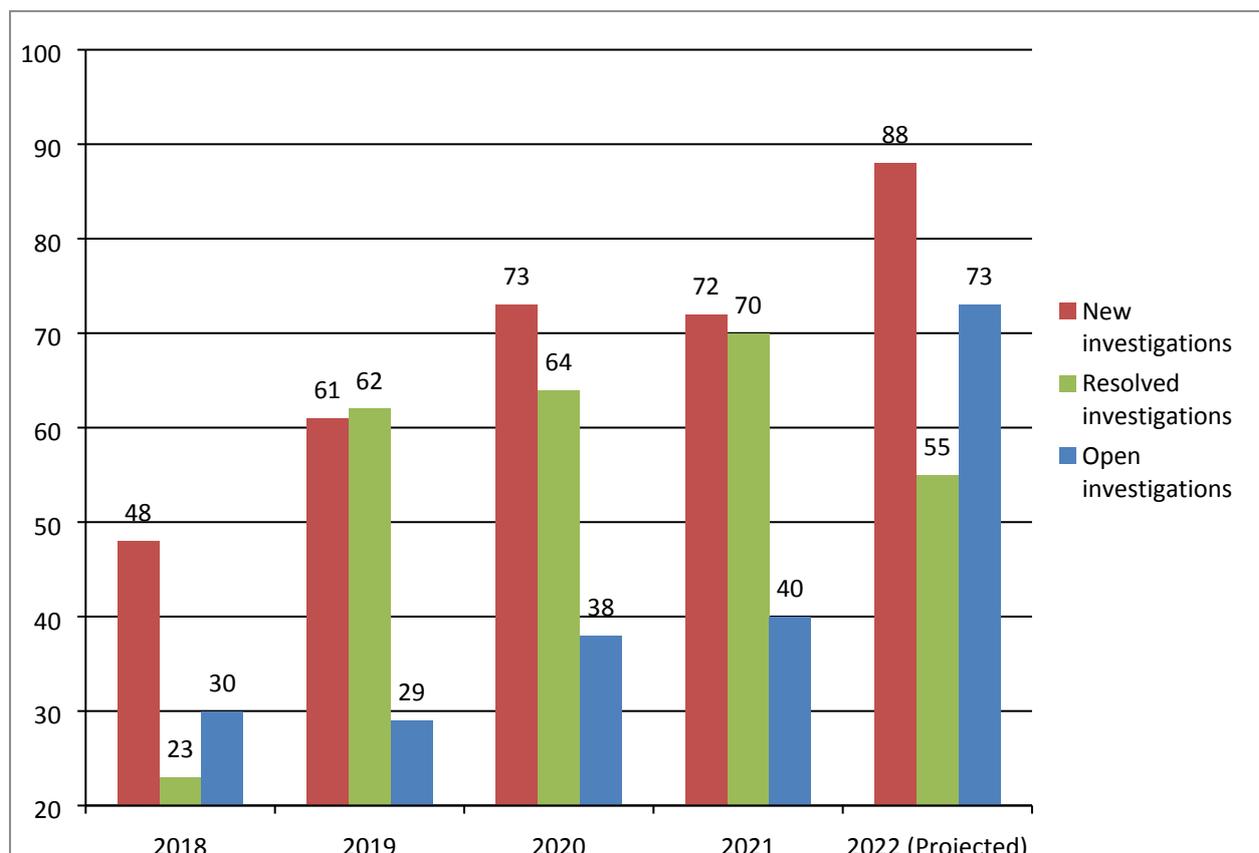
clearly met the Council will look to pursue such action. Failure to do so could potentially result in judicial review proceedings and/or financial penalties against the Council, as well as reputational damage.

2.4 Government policy advises that local planning authorities consider publishing a local Planning Enforcement Plan to manage enforcement proactively, in a way appropriate for their area. The current plan was published in 2019 and sets out a further explanation of how the service operates, and is supported by a set of Customer Service Standards. Officer(s) consistently work to, and meet, these standards.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-enforcement/planning-enforcement-plan/>

2.5 A full review of the Planning Enforcement Plan has been undertaken, and a first draft produced. This has been considered by Planning Officers and an updated version is being prepared for wider consultation. The Plan will be brought before Planning Committee members later in 2022.

3.0 CURRENT CASELOAD



3.1 The following is a summary of enforcement activity during 2022, to 14th June:

- 40 new enquiries received requiring full investigation;

- An additional 11 general enquiries, reports or complaints relating to the planning status of activities or land have been received and answered, which although requiring some assessment, did not require full investigation;
- 25 investigations resolved or otherwise concluded;
- A total of 81 different cases worked on in 2022 to date; 55 investigations remain 'live'.

3.2 The graph above identifies planning enforcement caseload since 2018, and shows an increasing workload during that period. Projections for 2022 shows an increase in the number of new investigations, and a doubling of 'live' cases by the end of the year. However, some care should be taken as this is an extrapolated figure, based on a large number of enquiries and complaints received so far this calendar year, and will be kept under review.

3.3 The following identifies some of the main areas of work currently being undertaken by the Enforcement Officer:

- A full review of cases is under way to identify any older cases that could now be concluded. No investigation will be closed without full and proper justification for doing so, and only with the prior authorisation of the Team Manager Development Management, in line with the Council's Planning Enforcement Plan.
- A number of approved sites have not fully implemented landscaping schemes as required by condition of their planning permission. The Enforcement Officer is addressing these with operators, and considering other options to achieve this on sites where works were not completed by the end of the 2022 planting season (March 31st).
- There has been particular focus since the last update on the following matters:
 - Investigation into a number of new or improved land accesses in Brookthorpe, using inert waste materials (in liaison with Stroud District Council)
 - Monitoring of water management and restoration measures being undertaken as part of extraction activities at Manor Farm, Whelford
 - Discussion relating to outstanding works and conditions requirements at Wingmoor Biosolids in Stoke Orchard
 - Discussion relating to revised restoration and after-care measures at Oxleaze Quarry
 - Ongoing inspections at Ford area quarries following complaints received from local residents
 - Monitoring of preliminary works at Loader's Barn, prior to extraction of clay, following enquiries from local residents.

4.0 FORMAL ACTION

4.1 When the Council's requirements are not met, following a reasonable period

given for compliance, and where the identified breach causes significant harm, then formal action will be considered to remedy the situation. This usually involves service of a Notice and/or prosecution.

- 4.2 There is currently one Enforcement Notice in effect, and is currently subject to discussions with the Council's Legal team following non-compliance with its requirements.

5.0 'REGULATION 3' MATTERS

5.1 The County Council is rightly 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 identify all such investigations, setting out progress, the latest position and outcome.

5.2 The Planning Enforcement Officer has received the following 'Regulation 3' related enquiries since the last Planning Enforcement Progress Report:

- Cleeve School drainage – this relates to further flooding of a neighbouring property, and whether the drainage maintenance programme is being adhered to (required as a condition of planning permission). This matter is currently under discussion between the Council's Asset Management Property Services Team (AMPS) and the drainage contractor.
- A complaint was received about the operational hours at Warden Hill Primary School, however retrospective planning permission was given at May Planning Committee following consideration of the issues. This now allows operations to take place during the hours initially reported.

6.0 CONCLUSION

6.1 The performance of the Planning Enforcement team is set out in sections 3.0 to 5.0 and demonstrates Gloucestershire County Council's commitment to investigating and resolving breaches of planning control in line with the provisions of the Planning Enforcement Plan, which is currently being reviewed.

6.2 A total of 55 cases are currently under investigation. In addition to any further enquiries received, the Planning Enforcement Officer will continue to work to try and resolve or meet a satisfactory outcome on as many of these cases as possible.

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