

Planning Committee

Quarterly Enforcement Report

19 July 2012

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of the overall level of activity in the Development Management service

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept this report.

Background

- 1.1 The last quarterly enforcement report was given to this Committee on 19 April 2012, and this report continues the regular reporting on enforcement matters in the format which commenced in October 2008. It will be seen that this report is the first that widens the scope of the report to give Members information about the level of activity on applications and appeals

The Current Situation

2.1 Enforcement

Appendix One provides a comprehensive history of those cases which have progressed to formal enforcement action of one type or another.

I am pleased to be able to report that the continued effort to close down some of the older cases is being successful, albeit that some inevitably continue to appear. This is due to the complexity of the legislation and the availability of challenges/delaying tactics for the potential recipient of enforcement action.

2.2 It should be also noted that the extensive list of actions necessary at Heyford park has dwindled and that now we are reporting that all remaining cases are resolved and are indicated as not appearing on future reports.

2.3 The formal action that is listed in Appendix 1 is of course only the culmination of the enforcement activity that results in the need to take enforcement action. The enforcement staff receive a wide variety of complaints about alleged enforcement matters that require investigation. There are currently 140 live cases of which 78 have been received in the last quarter. This represents a high, and possibly unsustainable level of activity for the limited staff resource. There has been a recent change in personnel in the enforcement team, in that Bruce Acton has now left the Council. Michelle Jarvis has now taken over as the Senior Planning Officer leading that team.

2.4 **Planning applications** The following statistics seek to demonstrate the level of current activity in this area. It will be seen that the number of applications remains consistently high and that the number of major applications indicates that we continue to be currently receiving a series of complex and significant applications. The statistics do not reveal the high level of pre-application discussions that are also under way which are being prompted by the Council's land supply situation, the NPPF, and the interest caused by the Banbury and Bicester master planning exercises. As a result of this we predict that the number of major applications will rise in coming months.

2010 2157 applications of which 46 were classified as majors

2011 2272 applications of which 48 were majors

2012 (first six months) 1119 applications of which 27 were majors

In addition it should be pointed out that the current statistics given above do not include further categories of application such as clearance of conditions and non-material amendments.

2.5 **Planning appeals.** The following statistics give a picture of the level of activity occurring in the appeal area of work. We do not have a separate section dealing with appeals, but rather leave the original

case officers to handle that appeal wherever possible

2010 - 48 decisions received - 14 (29%) dismissed and 34 (71%) allowed (27 of them being Heyford Park decisions)

2011 - 52 decisions received - 36 (69%) dismissed and 16 (31%) allowed

2012 - 20 decisions received - 19 (95%) dismissed and 1 (5%) allowed.

The raw statistics of course do not reveal the difference in activity associated with different types of appeal. Preparing and conducting major inquiries such as the windfarm, incinerator or even the recent housing supply sites take many hours of officer time. We know that we have 3 up-coming inquiries.

Implications

Financial:	<p>It is anticipated that the cost of taking enforcement action can be met within existing budgets.</p> <p>Comments checked by Karen Muir , Corporate System Accountant 01295 221556</p>
Legal:	<p>There are no additional legal implications arising for the Council from this report.</p> <p>Comments checked by Nigel Bell Team Leader- Planning and Litigation 01295 221687</p>
Risk Management:	<p>Where it is relevant to do so the risk of taking formal enforcement action is that costs could be awarded against the Council in any appeal that proceeds to an inquiry or hearing if this action is subsequently considered to have been unreasonable. The risk of not taking effective and timely action is that a complaint could be made by a complainant to the Local Enforcement Ombudsman.</p> <p>Comments checked by Claire Taylor, Corporate Performance Manager 01295 221563</p>

Wards Affected

All

Document Information

Appendix No	Title
Appendix One	Enforcement and Prosecution Quarterly Report
Background Papers	
None	
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