

Cherwell District Council

Planning Committee

31 October 2013

Quarterly Report

Report of Head of Development Management

This report is public

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept this report.

2.0 Introduction

- 2.1 The last quarterly enforcement report was given to this Committee in May 2013, 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 follows the format of that in July 2012 in that it widens the scope of the report to give Members information about the level of activity on applications and appeals

3.0 Report Details

3.1 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. It will be seen that there are considerable number of new cases listed towards the end of the report.

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 formal enforcement action involving the use of notices. The enforcement staff receives a wide variety of complaints about alleged enforcement matters that require investigation. There is a slight increase in the number of live cases since the last quarter. This still however represents a high level of activity for the limited staff resource. The enforcement team has been one team member down since Robert Neville joined one of the application/appeal teams, but recruitment of a replacement staff member is almost complete

- 3.2 **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.

2012 (whole year) 2229 applications of which 67 were majors

2013(Jan to Mar) 735 applications of which 25 were majors

2013 (Apr-Sept) applications of which were majors

- 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

2012 41 decisions received - ... 71% dismissed and 29% allowed

2013 appeals lodged so far

4.0 Conclusion and Reasons for Recommendations

- 4.1 The department continues to be busy in all aspects of its activities. Attention is being given to the current resource levels to maintain an adequate service.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only

7.0 Implications

Financial and Resource Implications

- 7.1 It is anticipated that the cost of taking enforcement action can be met within existing budgets.

Comments checked by:

Kate Drinkwater, Service Accountant, 01327 322188,
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Legal Implications

- 7.2 There are no additional legal implications arising for the Council from this report

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
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Risk Implications

- 7.3 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.

Comments checked by:

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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
1	Live cases
Background Papers	
None	
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