

# Cherwell District Council

## Planning Committee

15 May 2014

### Quarterly Performance Report

#### Report of Head of Development Management

This report is public

#### Purpose of report

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

#### 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 February 2014, 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 now 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, and now for the first time includes a section on quality of decisions as assessed by the DCLG statistics on major appeal overturns.

#### 3.0 Report Details

##### 3.1 Enforcement

Appendix 1 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 a 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 receive a wide variety of complaints about alleged enforcement matters that require investigation. There is a slight increase in the number of live cases over the last year, with approximately 145 live cases as this report was written. This represents a high level of activity for the available staff resource.

### **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 remain consistently high and that the number of major applications indicates that we continue to be currently receiving a series of complex and significant applications.

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

2013 (whole year) 2439 applications of which 94 were majors

2014 (Jan -Mar) 673 applications of which 31 were majors

Performance on speed of determination of planning applications for 2013/14 has been very good and is detailed below:

Majors	83% in target period
Minors	61% in 8 weeks
Others	80% in 8 weeks

Performance on major applications has been particularly good and the improvement measures introduced at the start of the year have resulted in a sustained increase in performance. Quarter 4 performance of 100% and year to date figures of 83% represents a significant improvement on historical performance.

### **3.3 Pre-app system**

These 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

Since January the new formal pre-application system has been used by 110 potential applicants, and all responses have been provided within the set target times.

### **3.4 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

2013-14 56 appeals lodged of which 23 were dismissed

### 3.5 Quality of decisions

Designations of “poorly performing” local planning authorities can be made both under the 13 week performance on major applications and can also be made on the basis of quality. This latter criteria is related to major applications decided in the 24 months to the end of December 2013 (and subsequent overturned appeal decisions to the end of September 2014).

The trigger point for concern is set at 20%. Our actual current figures are

#### **January 2012 to December 2013**

Total Major application decisions: 104

Major applications not decided\*: 5

**Total Major decisions and non-determined cases: 109**

Total Major appeal decisions: 15

**Major Decisions overturned at appeal: 13**

This means we are currently at **12%**

(\*Includes only non-decided applications that are appealed)

We currently have **3** appeals lodged/in progress at 29/04/2014 (of those apps determined between 01/01/2012 and 31/12/2013).

Of those 3, all 3 have been identified as being ‘likely to be allowed’. This would put us at **15%**

It is possible to roll this forward by 12 months, and the equivalent figures become as below

**Predicted** applications decided in the 24 months to the end of December 2014 (and subsequent appeal decisions to the end of September 2015).

#### **January 2013 to December 2014**

Total Major application decisions: 120 (based on 2013 figure x 2)

Major applications not decided\*: 2 (0 assumed for 2014)

**Total Major decisions and non-determined cases: 122**

Total Major appeal decisions: 11 (decisions up to 29/04/14 + lodged)

**Major Decisions overturned at appeal: 7** (Actual figure)

This means we are currently at **6%**

(\*Includes only non-decided applications that are appealed)

We currently have **3** appeals lodged/in progress (29/04/2014).

Of those 3, all 3 have been identified as being ‘likely to be allowed’. This would put us at **8%**

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The department continues to be busy in all aspects of its activities. Performance is good, particularly in determining applications and this continues to be monitored closely and reviewed. Current resource levels also continue to be reviewed in order to maintain an adequate service.

## **5.0 Consultation**

None

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 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, [kate.drinkwater@cherwelladnsouthnorthants.gov.uk](mailto:kate.drinkwater@cherwelladnsouthnorthants.gov.uk)

### **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, [nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

### **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: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, [nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

## 8.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

Cllr Michael Gibbard  
Lead Member for Planning

### Document Information

Appendix No	Title
1	Live formal enforcement cases
Background Papers	
None	
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