

Cherwell District Council

Planning Committee

7 August 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 May 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 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 also 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 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 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 receives a wide variety of complaints about alleged enforcement matters that require investigation. There continues to be 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 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..

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

2014 (Apr-Jun) 651 applications of which 25 were majors

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

2013-14 whole year

Majors 83%

Minors 61%

Others 80%

For the first quarter of 2014-15 the equivalent figures are

Majors 91%

Minors 55%

Others 77%

Performance on major applications has been particularly good and the improvement measures introduced at the start of 2013 have resulted in a sustained increase in performance. Quarter 1 performance of 91% represents a significant improvement on historical performance

- 3.3 **Pre-app system** 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

Since January the new formal pre-application system has been used by 208 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
2014(since 1.4.14) 7 appeals lodged

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: 17

Major Decisions overturned at appeal: 13

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

*Includes only non decided applications that are appealed

We currently have **1** appeal lodged/in progress at 24/07/2014 (of those apps determined between 01/01/2012 and 31/12/2013).

The lodged appeal has been identified as being ‘likely to be allowed’. This would put us at **13%**

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: 148 (2013 + (01.01.14 to 30.06.14 x 2))

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

Total Major decisions and non determined cases: 150

Total Major appeal decisions: 12 (decisions up to 24/07/14 + lodged)

Major Decisions overturned at appeal: 7 (Actual figure)

This means we are currently at **5%**

*Includes only non decided applications that are appealed

We currently have 2 appeal lodged/in progress (24/07/2014).

If both appeals were to be allowed this would put us at 6%

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

- 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:

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Legal Implications

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

Comments checked by:

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- 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,
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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Cllr Gibbard

Document Information

Appendix No	Title
1	Live formal enforcement cases
Background Papers	
None	
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