

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2009

REPORT OF HEAD OF DEVELOPMENT CONTROL & MAJOR DEVELOPMENTS

QUARTERLY ENFORCEMENT REPORT

1 Introduction and Purpose of Report

- 1.1 To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of various caseload statistics.

2 Wards Affected

- 2.1 All wards

3 Effect on Policy

- 3.1 None

4 Contact Officer(s)

- 4.1 Bob Duxbury (ext 1821)

5 Background

- 5.1 The last quarterly report was given to this Committee on 2 July 2009, and this report completes a year of reporting in this new quarterly format.

6 The Current Situation

- 6.1 Appendix One provides a comprehensive listing of those cases which have progressed to formal action of one type or another. Significant efforts have been made to close down some of the older and complex cases but inevitably given the appeal process, compliance periods and the ability for applicants to submit further revising applications results in some cases continuing over a number of years.
- 6.2 Overall, the Council's success rate when taking formal action is good, with only a very few enforcement notice appeals being upheld – notably the gypsy caravan site at Mollington this year. The vast majority of appeals are dismissed, albeit of course that an appeal delays the compliance time even if the Inspectorate leave the compliance period unaltered.

- 6.3 Members will note that 22 of the cases in Appendix One relate to buildings and land at former RAF Upper Heyford. The result of the main Heyford inquiry was expected in late September 2009, but we are now informed that it is unlikely to be forthcoming until January 2010. The result of that appeal will potentially have a significant effect upon the future course of events for these cases. A second major inquiry is likely to be necessary in early to mid 2010, dealing with these appeals against enforcement notices.
- 6.4 Turning to Appendices 2 and 3, these give the basic statistics of the number of cases which are investigated and their outcome. This represents the main body of work for the enforcement staff: the day to day dealing with the large number of disparate cases that come to the department by mail, e-mail and telephone with a number being made anonymously. We undertake to carry out initial investigations within ten days, and do achieve that target, with a large number being looked at within 24 and 48 hours.
- 6.5 In Council year 08/09 666 cases were handled. A substantial proportion of these subsequently prove to be either not development or are "permitted development" not requiring planning permission. These latter cases however still involve considerable levels of activity with at the least the provision of an explanation to the complainants as to why action cannot be taken.
- 6.6 In the first 6 months of this Council year (09/10) the number of cases investigated is 352. There is therefore a growth in the case load for the officers concerned despite the economic climate and the reduction in planning application numbers. In a number of cases persuasion is used to ensure unauthorised activities are stopped, works undone or planning applications are submitted, without the need for formal action. This activity is all 'hidden' within the statistics, but it is often more effective in time and resource terms than formal action, which after all should only be used as a last resort.

7 Financial Effect and Risk Assessment

- 7.1 The risk assessment was approved by Rosemary Watts (ext 1566) and Eric Meadows (ext 1552)
- 7.2 Risk Assessment – 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 a hearing or inquiry if this action is subsequently considered to be unreasonable. The risk of not taking effectively and timely action is that a complainant could make a complaint to the Local Government Ombudsman.
- 7.3 Financial Effects – It is anticipated that the cost of taking enforcement action can be met within existing budgets. If there is a second Heyford Inquiry it is likely to have substantial costs attached.
- 7.4 Efficiency Savings – there are not efficiency savings arising from this report.

8 Recommendations

- 8.1 It is **RECOMMENDED** that the Committee resolves to accept this report