

# Planning Committee

## Quarterly Enforcement Report

28 January 2010

### Report of Head of Development Control and Major Developments

#### PURPOSE OF REPORT

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

This report is public

#### **Recommendations**

The Planning Committee is recommended:

- (1) To accept this report.

#### **Details**

##### **Background**

- 1.1 The last quarterly report was given to this Committee on 1 October 2009, and this report continues the regular reporting on enforcement matters in this new quarterly format, which commenced in October 2008.

##### **The Current Situation**

- 2.1 Appendix One provides a comprehensive listing of those cases which have progressed to formal action of one type or another. Significant efforts continue to be 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, some cases are still continuing after a number of years but it should be noted how many cases are annotated as appearing for

the last time.

- 2.2 Overall, the Council's success rate when taking formal action is good, with no enforcement notice appeals upheld this last year. Of course an appeal still delays the compliance time even if the Inspectorate leave the compliance period unaltered.
- 2.3 Members will note that 22 cases in Appendix One relate to buildings and land at former RAF Upper Heyford. The result of the main Heyford inquiry was received on 12 January 2010. The result of that appeal will potentially have a significant effect upon the future course of events for these enforcement cases. A careful analysis of the decision will be undertaken and a report will be made to a future meeting explaining the cases which are now moribund and those that may need to continue.
- 2.4 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: they 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.
- 2.5 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. The enforcement team are now encouraging the making or applications for Certificates of Lawful Development in such circumstances enabling formal decisions to be made and recorded.
- 2.6 In the first 9 months of this Council year (09/10) the number of cases investigated is 527. 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.

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## **Implications**

**Financial:** It is anticipated that the cost of taking enforcement action can be met within existing budgets. The move

towards increased use of CLUE applications may open up a small income stream. The cost implications with regards to action at Heyford Park will be addressed in the future report.

Comments checked by Eric Meadows, Service Accountant 01295 221556

**Risk Management:** 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 on inquiry if this action is subsequently considered to have been unreasonable. The risk of not taking effective and timely action is that a complainant could make a complaint to the Local Government Ombudsman.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

### **Wards Affected**

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All

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Enforcement and Prosecution Quarterly Report – 28 January 2010
Appendix 2	Planning Enforcement Cases- Number of cases closed by reason
Appendix 3	Explanation of reasons for case closure
<b>Background Papers</b>	
None	
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