



Title	QUARTERLY PERFORMANCE REPORT – PLANNING ENFORCEMENT
Purpose of the report	To note the report for information
Report status	Public report
Report author	Catherine Lewis – Community Protection Group Manager (Planning Enforcement)
Lead councillor	Councillor Micky Leng, Lead Councillor for Planning and Assets
Corporate priority	Thriving Communities
Recommendations	The Committee is asked: 1. To note the report.

This report contains confidential information contained within Annex 2; 5.2 refers.

This report contains exempt information within the meaning of the following paragraph of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006:

6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

And in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because:

Annex 2 details cases being investigated; it would be prejudicial to disclose the information at this time. The information in Annex 2 is advisory only as an example of cases being progressed at this time.

1. Executive Summary

- 1.1. Planning enforcement deals with breaches of planning controls, including: where building work requiring planning permission is undertaken without such permission, where conditions attached to a planning condition are not complied with, or where the use of a building or site is changed without planning permission.
- 1.2. This report is advising Committee on the work and performance of the Planning Enforcement Team for the first 6 months of the financial year 2023/24.

2. Policy Context

- 2.1. The Council's new Corporate Plan has established three themes for the years 2022/2025.
 - Healthy Environment
 - Thriving Communities
 - Inclusive Economy
- 2.2. These themes are underpinned by "our Foundations" explaining the ways we work at the Council:

- People first
- Digital transformation
- Building self-reliance
- Getting the best value
- Collaborating with others

2.3. Full details of the Council's Corporate Plan and the projects which will deliver these are published on the Council's website.

2.4. The National Planning Policy Framework (NPPF) 2021 recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. Our Planning Enforcement Plan attached as Appendix 1 sets out our approach for all those who are involved in or affected by breaches of planning control in the Borough.

2.5. This report provides a status up date for planning enforcement.

3. Background

3.1 Local planning authorities are responsible for taking enforcement action in their administrative areas. They have discretion to take enforcement action when they regard it as expedient to do so having regard to the development plan and any other material considerations.

3.2 The Planning Enforcement Officer role is to investigate allegations and enquiries of breaches of planning control. The officers write to customers and offenders, negotiate remedial action, liaise with other Council departments to ensure consistency of approach, and make recommendations as to the expediency of taking enforcement action.

4. Planning Enforcement Team

4.1. Following the 2022 workforce review in Planning Transport and Public Protection, Planning Enforcement moved from Planning to join other enforcement teams within Public Protection. This was with the aim to: further develop officers' regulatory skills, providing wider support through a network of other regulatory professionals, and creating resilience in the function. This in turn supports Councillors requests for better integration of functions and a more co-ordinated approach to problem solving.

4.2. At the time of the move the team consisted of just 2 officers who were managing a significant caseload. An experienced Principal Planning Enforcement Officer was recruited in July 2023 but recruitment to the other enforcement officer positions continues to be a challenge. The establishment has been increased to include an additional Senior Planning Enforcement Officer to reflect the resources required to meet demand. A recruitment exercise is currently taking place to fill that position and the Planning Enforcement Officer role. If successful there will need to be a period of training to get the team working efficiently and this will continue to impact on the ability to reduce the number of open cases in the short term. A further Technical Support Officer vacancy is awaiting evaluation with HR prior to going out to advert. This post will provide administration support which will release time for officers to concentrate on case work.

4.3. The National Planning Policy Framework indicates that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so. Officers have reviewed the Local Enforcement Plan which was last updated in 2015 to take account of current best practice and to consider service provision in the light of available resources. The updated plan is attached as Appendix 1.

5. Service Demand

- 5.1. Following the reorganisation of the service, officers have worked collaboratively with Planning Officers, Building Control and Environmental Health to ensure a coordinated and joined up approach to dealing with cases. In addition, officers have worked with Legal Services to implement robust procedures for taking enforcement action which has provided strong foundations for an effective enforcement approach.
- 5.2. An inspection checklist and risk assessment has been introduced to ensure consistency when determining expediency. Further to this David Lloyd, the new Principal Planning Enforcement Officer has conducted an in-depth triage of existing cases and identified an action plan on a case-by-case basis. These cases have now been grouped into working settings such as: Listed buildings, HMOs, boundary matters, breach of planning conditions and loss of amenity. Whilst there is no immediate visual reduction in the number of cases the triage process has enabled us to ensure all cases referred to the service are now being recorded and actioned appropriately where resources allow. Of the cases reviewed some are pending planning approval and if permission is granted the case will be closed. However, if approval is not granted, then further enforcement action will be required. Some cases have notices pending awaiting the appeal period to lapse prior to further enforcement action being taken for example.
- 5.3. The following details the current case load for the team compared to previous years.

	21/22	22/23	23 to date
Total Number of Cases Received	216	160	130
Number of Cases Closed	70	102	226
Number of Cases on hand at end of year	501	559	463

- 5.4. The majority of cases are from Abbey Ward, followed by Redlands, Katesgrove and Park. A more detailed breakdown on cases by ward will be available for future PAC reports.
- 5.5. This financial year the Planning Enforcement team have closed over 24% of the pending cases on their system. From the remaining cases we now have:

Expedient to take action	Priority cases	9.4%
	Listed Buildings	5.4%
Applications invited / pending a decision		13.5%
Project Work (backlog)	These cases are scheduled weekly to try and close cases which are not expedient/ move them to expedient to take action	46.3%

- 5.6. An example of cases officers are currently investigating can be found as Appendix 2.

6. Key Actions

- 6.1. The focus over the last few months has been to assess and reduce the back log of cases including managing customer expectations. In addition, work has been undertaken to improve working methods and reduce timescales for case resolution.

- 6.2. The team has also prioritised a number of key work settings which have been identified as of particular concern. Officers are identifying best practice to manage these cases to ensure a consistent and efficient approach.

7. Work Settings

- 7.1 HMOs - To assess the intensification of HMO dwellings within the borough Officers have surveyed Donnington Road as an example area to gauge volume of family homes and review any unauthorised change of use to HMO's within the Article 4 Area.
- 7.2 Listed Buildings - There are approximately 50 listed building cases being considered. This includes incidents of unauthorised replacement windows; these will be considered together for consistency on a zero-tolerance basis. A new Conservation Officer is starting in November 2023 which will improve assessment of listed building and heritage site cases.
- 7.3 Untidy land and breach of condition - There are 20, S215 cases which concern untidy land and buildings in addition the service is considering over 50 cases involving noncompliance with a planning condition. Officers will be tasked to assess each case and a single enforcement expediency report is to be composed to advance the process of serving notices for these settings, together with dealing with appeals which are considered in the courts.
- 7.4 Character and appearance in retail setting - Reading has seen a high number of shop front alterations without planning approval and the team is reviewing cases with planning officers to strengthen understanding and priority with a view to commit to expediency.
- 7.5 Planning Contravention Notices (PCNs) - The team have been instructed to use PCNs as a primary tool to gather evidence about a breach. Over 30 PCNs have been served in the last 3 months.
- 7.6 Advertisements/Signage - The marketing of rooms to let particularly of rooms with student interest can draw out an abundance of estate agent boards. The team aim to tackle this by proposing to housing suppliers and associated agents, to use an online marketing system and social media forum which will reduce the need for boards which have impact on the character and appearance of neighbourhoods. Regulation 7 application to the Secretary of State would be required to support this approach and the evidence to support the direction is scheduled for 2024.
- 7.7 Web site - The webpages for the team have had some amendments over the last year to enable better reporting of incidents and advice on what we can investigate. However, further work is due to take place to support the customer in understanding the enforcement process and options available to them to remedy common complaints, this may include third party wall agreements, mediation for instance. A Frequently Asked Question section will also be added to improve the customer experience.

8 Contribution to strategic aims

- 8.1 The purpose of planning enforcement is to ensure that development is undertaken in accordance with regulations and planning permissions and, where it is undertaken without permission, to ensure that harmful development is dealt with effectively thus contributing to creating a healthy environment with thriving communities and benefiting the economy within the Borough.

9 Community engagement

- 9.1 Online form requests information and evidence to support an investigation. [Report a Planning Breach - Reading Borough Council.](#)

10 Equality implications

10.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 In terms of the key equalities protected characteristics, it is considered that the development management performance set out in this report has no adverse impacts.

11 Environmental and climate implications

11.2 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

11.2 The National Planning Policy Framework 2023 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Working to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to low carbon economy.

11.3 Effective enforcement has a key role within the planning process.

12 Legal implications

12.1 Enforcement powers are discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.

13 Financial Implications

13.1 There are no direct financial implications arising from this report.

14 Appendices

Appendix 1 Planning Enforcement Plan

Appendix 2 Case Studies - Confidential