

**\*PART 1 – PUBLIC DOCUMENT**

**Planning Enforcement Quarterly Report**

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

**1. SUMMARY**

- 1.1 This is a note for information setting out the quarterly update of the Planning Service. It is not an item to be voted upon but intended to supply Members with information relating to the work of the Planning Enforcement Team, as requested by Members.
- 1.2 Recent restructuring within the Planning Service brings together conservation and compliance through the creation of the Conservation and Enforcement Team to deliver on the NHDC's key priorities to put people first, deliver sustainable services and to enable a brighter future together.
- 1.3 The Planning Enforcement Team manages a caseload characterised by a wide range of investigations into breaches of planning regulations and listed building legislation, prioritising those with the highest level of harm and public interest.
- 1.4 Compliance Officers have been working to reduce the level of backlog cases during the last six months. The number of active investigations is now approximately 140 cases. This update the progress of active cases, highlights key cases and reports on enforcement action for breaches that arise in significant harm to public amenity and/or the built environment.

**2. STEPS TO DATE**

- 2.1 This is a regular update of the Planning Enforcement as requested by Members. This is part 1 of the report which does not provide details of current enforcement cases.

**3. INFORMATION TO NOTE**

**Planning Enforcement Reforms**

- 3.1 Reforms through the Levelling-Up and Regeneration Act 2023 (LURA) were recently introduced that change the planning enforcement rules and came into force on 25 April 2024. The primary change is an expansion of the planning enforcement toolkit and increased powers and penalties making it more difficult to play the system.
- 3.2 The new measures are wide-ranging and serve to allow LPA more time and stronger tools to resolve breaches of the planning regulations. Subject to conditions and transitional arrangements, the measures include the following:
  - Increase of enforcement limits from 4 to 10 years
  - Introduces unlimited fines for prosecutions
  - Doubles the length of Temporary Stop Notices to 56 days to suspend works
  - New restrictions on appeals against an Enforcement Notice where an application for planning permission to regularise the breach has been refused
  - Additional changes, including completion notices, will come into force at a later date

- 3.3 These reforms are generally welcomed across the planning enforcement profession; additional familiarisation, training and support is required to enable Officers and Team Leaders to gain understanding, experience, and confidence in deploying the new measures.

### **Strategic Context**

- 3.4 Planning Compliance is concerned with unauthorised development that result in significant levels of harm, deploying powers set out in the Town and Country Planning Act 1990 (as amended). Against this backdrop, the Planning Enforcement Team investigate planning breaches and aims to resolve them through informal compliance, where possible, while taking strong and justified enforcement action where appropriate.
- 3.5 This approach means that the Council complies with the relevant legislative framework whilst providing a service which maintains the integrity of the planning enforcement serve and public confidence in the Council being able to perform its duties.
- 3.6 In line with the aspirations of the Council Plan and Corporate Enforcement Policy, the Conservation and Planning Enforcement Service reinforce the identity of North Hertfordshire as a district that prioritises our heritage assets, puts people first and aims to deliver sustainable services to enable a brighter future together.
- 3.7 Enforcement actions are focussed on the objectives to:
- resolve breaches that cause planning-related harm;
  - be proportionate to the nature of the harm caused;
  - deter future non-compliance;
  - change community willingness to undertake planning to breaches to prevent them becoming widespread;
  - be responsive and consider prevent public perception about effective planning
- 3.8 Planning Enforcement seeks to raise awareness that it is not an offence to undertake development without obtaining planning permission in advance. However, undertaking such development comes with the risk of enforcement action if Officers consider it expedient to do so. A fundamental principle of the planning enforcement is that enforcement action should not be taken solely for the purpose of regularising unauthorised development. Therefore, we may not take action against technical or minor breaches, and we would not investigate concerns about breaches that reporters believe may occur at some point in the future.

### **Planning Enforcement Plan**

- 3.9 The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is proportionate to their area.
- 3.10 The Planning Enforcement Plan features as Appendix E of the Corporate Enforcement Policy 2022, which is currently being updated. The Plan sets out NHDC's approach to planning enforcement to reflect the priorities and approaches within the service. The Plan offers planning enforcement guidance for all who are involved in or affected by breaches of planning control within the district; it also establishes revised performance targets for alleged breaches reported to the service.

## Team Structure

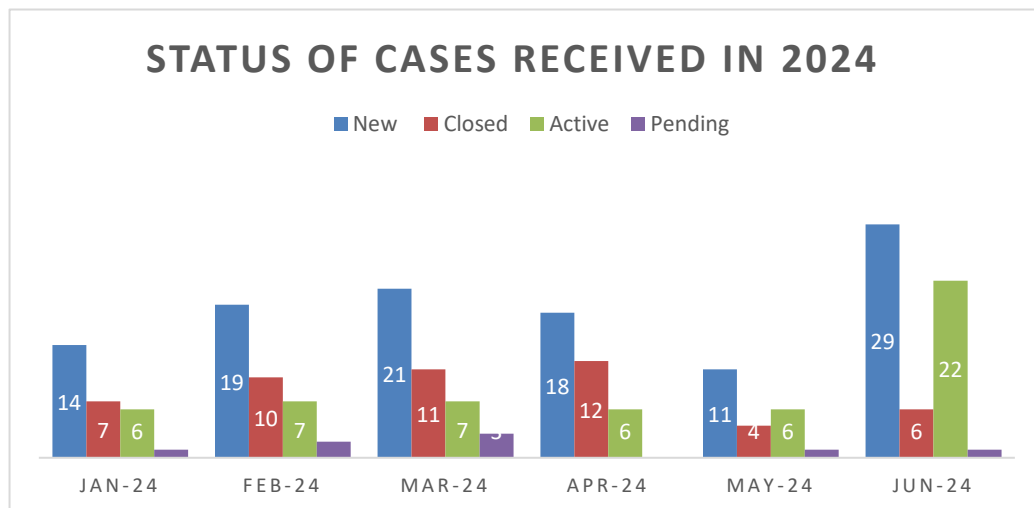
- 3.11 Conservation and Planning Enforcement Team continues to deliver on the strategic, training, and operational support that is key to delivering the strong, positive outcomes progress and improvements on quality of service and performance.
- 3.12 The Conservation and Enforcement Team is comprised of 1 Team Leader, 2 Senior Conservation Officers, 1 Senior Compliance Officer, 2 Compliance Officers, and 1 S106 Monitoring and Compliance Officer.

## Recruitment

- 3.13 Staffing challenges have resulted in a high turnaround of Planning Enforcement officers. Recent recruitment attracted numbers of applicant and resulted in the successful appointment to all advertised posts. A temporary contractor will continue to support the team during the transition phase for onboarding, training, and developing new officers into the team.
- 3.14 Administrative functions for the team are currently delivered by the Technical Support Team. While intended as an interim measure, options to establish sustained support in the bespoke planning enforcement administrative functions are being explored.

## Performance

- 3.15 The Enforcement Team are currently investigating 140 active cases (a further 17 cases are pending decisions by DM or PINS) and continues to improve on the performance levels reported to the committee in April 2024. Additionally, the informal approach to resolving breaches has resulted in a marked increase in the number of retrospective applications being submitted to regularise unauthorised development.
- 3.16 In addition to the 60 cases resolved in Q1 of 2024, the hard work of Officers has resulted in 71 cases (received 2018-2024) resolved in Q2 of 2024.



- 3.17 The above chart shows that the average number of cases received so far in 2024 is approximately 20 each month; the average number of cases resolved is approximately 22. Performance measures are distilled further and detailed in the Part 2 Report.
- 3.18 In terms of enforcement action within the team, 3 Planning Contravention Notices have been served, as well as 1 Enforcement Notice, and 1 successful prosecution.

**4 NEXT STEPS**

To note this report.

**5. APPENDICES**

None.

**6. CONTACT OFFICERS**

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**7. BACKGROUND PAPERS**

None