

**Planning Control Committee**

**22<sup>nd</sup> January 2026**

**\*PART 1 – PUBLIC DOCUMENT**

**Planning Enforcement Annual Report For 2025**

**INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER**

**1.0 SUMMARY**

- 1.1 This report is prepared to provide an update of the work carried out in 2025 by the Planning Enforcement Team to the Planning Control Committee.
- 1.2 Following the establishment of a new and developing team in 2024, the Planning Enforcement Team investigates and escalates a wide range of breaches in line with the Council's regulatory objectives. This report provides an overview of the planning enforcement function and highlights the areas of review and improvement that have been made or are in progress. It also provides an overview of the performance of the service and outlines key data demonstrating that, overall, the Planning Enforcement service is operating in accordance with the Corporate Enforcement Plan.

**2.0 STRATEGIC CONTEXT**

- 2.1 It is an objective of the Council Plan, and Local Plan for development to be delivered through planning permission and appropriately controlled to protect and support our borough. Having a fair, robust and effective planning enforcement service is key to this objective.
- 2.2 Local authorities have a duty to investigate alleged breaches of planning control, and may choose to exercise discretionary powers, in the public interest, where the Council considers it expedient to take enforcement action. Decisions about whether to take action are made by officers having regard to the Local Plan and any other material considerations, including the Town and Country (Permitted Development) (England) Order 2015 and the Corporate Enforcement Plan.
- 2.3 The Planning Enforcement Policy sets out the Council's commitment to delivering effective planning enforcement and contributes to the central objectives in the Council Plan to improve the lives and experiences of those who live, work and visit North Herts.
- 2.4 The Town and Country Planning Act 1990 (as amended) and the North Herts Local Plan are the principal frameworks for deciding whether is unauthorised and unacceptable. The National Planning Policy Framework requires Local Authorities to act proportionately in responding to alleged breaches of planning control. National Policy and our Planning Enforcement Plan set the expectation that not all enforcement cases will be dealt with by

formal action and that action should be directed towards breaches of planning that are the most harmful. Therefore, we may decide that it is not proportionate to act against breaches that are found to be minor in nature or causes limited or no harm to residential amenity.

- 2.5 The main alleged breaches we investigate are built development, changes of use, breach of planning conditions, listed buildings, protected trees, advertising, non-compliance with notices, breach of S106 agreements. Reporters details are not disclosed, and investigations are not carried out on their behalf; the objective is for development to be in line with the regulations. We do not investigate boundary issues, quality of development, anticipated breaches or matters that are the responsibility of other regulatory services.
- 2.6 A key message to note is that the Town and Country Planning Act does not make it an offence to carry out development without first obtaining planning permission, however doing so will be at the owner's risk. We prioritise informal approaches to resolve matters and aim to ensure that our decisions are proportionate, reasonable and fair. Where development without the required planning permission is considered to be harmful, we may require remedial works, a retrospective application, cessation or removal.

### **3.0 TEAM STRUCTURE**

- 3.1 Planning enforcement sits within the wider Planning Service structure and functions as the third element planning by validating the objectives of planning policy and development management. Collaboration across the wider planning team and enforcement officers has resulted in positive outcomes through sharing information and working together to progress cases.
- 3.2 Collaboration has been particularly helpful in progressing cases where retrospective applications arise from enforcement cases and for ensuring the robustness and the enforceability of planning conditions. Working alongside each other in the same team has made these conversations and interactions easier and has resulted in the officers supporting each other and achieving positive planning outcomes.
- 3.3 The Planning Enforcement Team is currently comprised of 1 Team Leader, 1 x Senior Compliance Officer (contractor), 3 x Compliance Officers (1 x short term), 1 x S106 Monitoring and Compliance Officer and 1 Technical Support Officer (part-time).
- 3.4 Investigations have increased in diversity and complexity; therefore, the team includes a Senior Compliance Officer to provide support with developing Compliance Officers and progressing cases of a more complex nature and those that have escalated to formal action and beyond.

### **4.0 PLANNING ENFORCEMENT PERFORMANCE AND RESOLUTION**

- 4.1 Alleged breaches can be reported to us via the online form, via email, or by phone via the Duty Officer service available from Monday – Friday from 9am-12 noon. We encourage customers to search the [Council's Planning Enforcement](#) pages, [Council's online planning system](#) and/or [planning portal](#) to first check whether the matter being reported of may benefit from permission, or is a matter that this team investigates. This information is

important in providing guidance and details, as well as a swifter answer to queries that may have permission, as well as explaining what we investigate and the steps that an investigation can take.

4.2 Planning Enforcement performance monitoring data is now published on the Council website to provide information, insight and transparency about the cases we investigate and actions. [Planning enforcement | North Herts Council](#) The information includes the number of:

- cases under investigation
- cases resolved
- retrospective applications
- notices issued
- appeals
- prosecutions

4.3 2025 was particularly productive and built on the achievements of 2024 when real efforts were made within the team to address a backlog of cases that built up over the preceding years. Last year also saw Officers tackling some of the more historic and complex cases in their workloads, some of which have since been considered at appeal and the subject of legal action. This annual report distils the data further to allow for understanding and insight into the information, what it tells us and how we use it.

4.4 The following information demonstrates that the Planning Enforcement team have received lower ratio of emails received that led to new investigations over the past year. This is due to the introduction of an efficient triage process where the Planning Technical Officer dedicated to planning enforcement, with the help of a senior colleague, is able to quickly and efficiently ascertain whether a request is for planning enforcement or in fact for another team/not a Council matter and whether it is clearly a planning breach or not. This ensures that the customer receives a clear response early on and reduces officer workloads.

Enforcement Inbox	
Emails received	1404
Miscellaneous	615
New cases	195
General enquiries	179
No breach alleged	170
Planning consults	84
Members emails	76
Follow-on emails	65
FOI Requests	20

4.5 Performance data on investigations are reported on the Council website and updated on a quarterly basis. This offers insight into the number of cases the team investigate and the enforcement steps taken. The planning enforcement team continues to deal with a high number of requests for investigation as well as managing long term, complex, and escalated enforcement cases.

4.6 With backlogs now significantly reduced, we are exploring how we can help the public understand what we investigate and our approach to resolving cases. With greater

understanding, we anticipate that the numbers of 'no breach' and 'technical breach' cases will reduce to allow proactive monitoring to be introduced to caseloads.

4.7 Objectives for 2026 includes enhancing the reporting form to encourage reported cases to include relevant photos so that investigations can commence, progress and be resolved more swiftly.

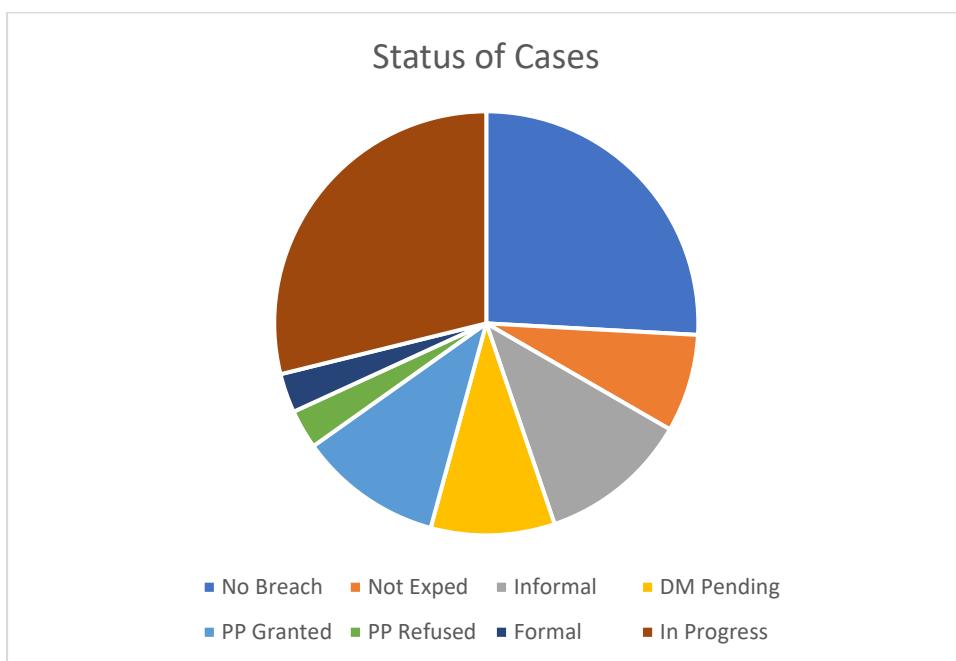
4.8 Investigations:

	New Cases	Cases Resolved	Cases Carried to 2026	Opened 2025	Open Pre 2025	Open Pre 2024
2025	195	214	145	92	53	28

4.9 The number of cases received, and the number of cases resolved can fluctuate; the service is consistently closing more cases each quarter than are received.

4.10 The following table sets out the status of cases investigated in 2025. A common theme for all quarters is that most cases are closed because no breach was identified. In the main this was because of the development being permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.11 This trend means that it is increasingly difficult to manage due to expectations that punitive action should be imposed, along with public perceptions that lack of action is a failure of the Council to fulfil their planning duties.



	No breach	Not expedient	Resolved informally	DM Decision Pending	Permission Granted	Permission Refused	Formal action	In progress
2025	52	15	23	19	22	6	6	58

4.12 The information indicates that most cases have been resolved informally, and is usually the swiftest and most effective way to resolve breaches of planning control. However, these

cases can give rise to strong feelings amongst those affected, often taking up a significant proportion of officers' time in investigating/resolving a dispute, disproportionate to the scale of the breach.

4.13 Many breaches can be regularised through the submission of a planning application and therefore brought within the control of the Local Planning Authority and resolved the breach.

Retrospective Applications:

4.14 In cases where unauthorised development may be acceptable if specific conditions are imposed, we would invite the developer to submit a retrospective application. Reporters are notified when the application is received, so they can review the details and submit comments if they wish to.

4.15 Pre-app advice can be appropriate, particularly in cases where substantial alterations are required to development already built. Should a retrospective application follow, Planning Enforcement may recommend that condition/s are imposed for the alterations to be timely so the harm is resolved within a reasonable timeframe.

4.16 In 2025, over 85 retrospective planning applications were submitted as a result of planning enforcement investigations.

4.17 The Planning Service recognises that not all retrospective applications are submitted due to planning enforcement investigations; therefore, all refused retrospective applications are referred to planning enforcement for action.

Formal Notices:

4.18 Formal notices may be issued for various reasons and are primarily a mechanism to resolve alleged breaches. Notices usually include the right to appeal to the Planning Inspectorate for their independent decision.

4.19 The number of notices served can vary each year depending on the nature and complexity of the breaches and depending on whether the owner is receptive to working favourably with the Council. In these instances, most cases can be resolved without the need to resort to the time and expense of formal enforcement action. As such, a high number of notices served is not always an indicator of resolving planning breaches.

4.20 The following details illustrate the notices served during the last three years.

Type Of Notice	2023	2024	2025
Planning Contravention Notice	2	6	15
S215 Notice		1	
Temporary Stop Notice			3
Breach of Condition Notice		2	
Enforcement Notice	3	4	4
Injunction		1	
Other		1	

- 4.21 2025 saw a significant number of notices being issued, which often results in officer resources being diverted from dealing with other matters for the time required to review, issue, process, serve and record them. A balanced view is taken as to planning merits and expediency of serving one notice against progressing a greater number of investigations.
- 4.22 It should be noted that notices are only served in a very small percentage of cases and usually where efforts to achieve compliance informally have not been successful.
- 4.23 However, at times resources must be channelled to those cases where clear and demonstrable harm is being or is likely to be caused. This can often be to the detriment of progressing other matters where a similar level of harm cannot be demonstrated. Of the investigations in progress, approximately 15 cases and may require formal action to resolve.

Appeals Against Enforcement Notices:

- 4.24 Those served with an Enforcement Notice may appeal against any of the requirements. Of the 4 notices served in 2025, all were appealed against the Planning Inspectorate on grounds, including that planning permission to be granted for the development as built, or specific parts of it.
- 4.25 The Planning Inspectorate Service is experiencing capacity issues, particularly when dealing with enforcement appeals. This is having a direct effect on the time it is taking them to reach a decision on an appeal. We are still waiting for decisions on appeals submitted nearly 3 years ago, although we have already received appeal decisions for two of the Notices served in 2025.
- 4.26 Planning will accept applications after notices have been served, as the primary objective is to bring harmful development in line with the regulations, and retrospective applications can sometimes yield swifter resolution than the appeal process. Decisions whether to appeal rest with interested parties, however planning enforcement reforms pursuant to the Levelling Up and Regeneration Act (LURA) 2023 has curtailed opportunities for developers to draw out the planning appeal processes as a means of delaying action required to resolve alleged breaches.
- 4.27 The following outlines the options for appeals against Enforcement Notices:

Retrospective Application	Appeal against refusal	Appeal EN for deemed permission
Yes	Yes	No (if within two years of planning refusal)
Yes	No	No (if EN served before appeal against refusal)
Yes, if submitted after EN served	No	Yes

- 4.28 We currently have a few cases where the appeals against the planning decision to refuse permission are dismissed and action by the developer is required to resolve the unauthorised development. In line with the table above, a recipient of an Enforcement Notice would not be eligible for PINS to consider the merits of the Notice to grant permission. In such cases, Officers first seek informal compliance through alterations or a modified scheme through pre-app and the planning application process. Where harm that

justifies formal action is alleged, applications that purport to resolve the harm can be considered. However, we would not allow continued cycles of application > appeal > to persist, as this would undermine the limitations that the appeal reforms have established, and would allow the harm arising from the development to continue.

4.29 Developers, therefore, cannot rely on retrospective applications and the appeal regime to secure planning permission, or to delay compliance with the planning regulations.

Prosecutions:

4.30 Prosecution action may be recommended in cases where notices have not been complied with, breaches where the legislation makes it an offence to carry out works (listed buildings, protected trees, advertising) and resolving these cases can require technical expertise and experience. Officers work in collaboration with Senior Conservation Officers, Tree Officer and BNG Officers to best protect our heritage assets, protected trees and biodiversity. The team are now able to tackle some of the older more complex cases which are of importance within the district.

4.31 Procedural delays are not uncommon during prosecution proceedings as it is not uncommon for a first hearing to be adjourned, and for trial dates to add further delays. This can result in there being many months between an initial court date and decision. We ask Members to note that there may be some stages within an investigation where information cannot be publicly shared because it may prejudice the Council's case.

## **5.0 S106 and MONITORING PLANNING CONDITIONS**

5.1 The S106 Monitoring and Compliance Officer maintains a schedule of all the S106 financial contributions held, and processes are introduced to include the mechanisms for confirmation of approval of details/confirmation development in accordance with conditions applications.

5.2 Significant work has been undertaken to publish Quarterly Reporting of S106 contributions, receipts. In line with the Council's statutory duty, the Annual Infrastructure Funding Statement (IFS) is published on the website at this stage for related information and provides a fuller picture of financial contributions: [Planning obligations \(section 106 agreements\) | North Herts Council](#).

5.3 As part of the Council's S106 monitoring and reporting work, processes and cross-service links are now in place to support delivery and assist with enquiries. In bringing several different processes and workstreams together has enhanced service delivery. This work represents significant progress in this area, as collaborations with Planning Policy, Development Management, Strategic Sites, Legal Services and Finance now benefit from streamlined processes that facilitate efficient and accurate S106 monitoring, invoicing, receipts, allocations, spends, and reporting.

5.4 Future publications of the IFS information and images of examples to demonstrate how S106 funding can contribution to projects and initiatives across the district. The processes in place mean that we are now more efficient in monitoring and collecting contributions. Officers received 10 Freedom Of Information requests for details on how developer contributions

have been deployed, and for details of financial and non-financial contributions. No developer contributions were returned during the reporting period of 2024/2025.

5.5 Building on these foundations, Officers continue to explore opportunities for public-facing information and insight that can support Councillors, Parish councils, community groups and members of the public across the district to access, understand and benefit from developer contributions.

## **6.0 TRAINING**

6.1 Officer training is a key aspect of delivering an effective planning enforcement service and is delivered in various ways. In 2025 the following training was delivered:

National Association Planning Enforcement (NAPE) Conference (online)  
Observing a Public Inquiry appeal against an Enforcement Notice (Broxbourne Council)  
Delegated Reports (In-house)  
Drafting Enforcement Notices (In-house)  
Planning Enforcement Appeals (In-house)  
Police And Criminal Evidence (PHF Training)  
Drafting and Enforcing Planning Conditions (Ivy legal)  
Planning injunctions (Webinar)  
Conservation workshop (In-house)  
Conditions and commencements (Ivy Legal)  
RTPI - Ethics (Webinar)  
Material Planning Considerations (In-house)

6.2 While the planning regime is largely permissive, other legislation establishes that unauthorised works are a criminal offence from the outset. Within this category are investigations into unauthorised works and alterations, representing approximately 10% of the caseload.

6.3 To support Officers in progressing these cases training on interviewing under caution, developing witness statements, producing prosecution bundles, giving evidence in court, is planned to commence in January 2026. The aim is to provide essential information and experience to enable cases to be fully investigated and resolved.

Relevant live cases include:

- removal of protected trees
- alterations to listed buildings
- advertising
- non-compliance with Notices
- removal of hedgerows

## **7 LINKS WITH OTHER SERVICES**

7.1 Links with Licensing, Environmental Health and Legal Services enable a collaborative approach to discuss and agree strategies to resolve cases. For example, Licencing will refer on cases where applications request licences for a longer opening hours than planning permission allows. New cases are then set up, and planning applications are usually

submitted to regularise matters. To date, approximately 8 applications have been progressed in this way.

## **8 WORKING TOGETHER WITH MEMBERS, RESIDENTS AND THE COMMUNITY**

- 8.1 Planning and planning enforcement underpins many of the ambitions and key actions in the Corporate Plan, including encouraging well designed places; use of planning powers to create sustainable places; use of planning powers to protect and enhance the interests of local communities; protect existing employment area; reduce the impact of traffic on air quality; protect existing green spaces; provision of new open spaces in developments; protect wildlife habitats and trees; protects urban open space from development and maintain a Green Belt free from inappropriate development; ensure new developments enhance biodiversity and plant appropriate trees and landscaping.
- 8.2 Planning enforcement are keen to continue working positively and proactively with the public, and we recognise their role in reporting unauthorised and harmful development. We would encourage reporters to submit requests for new investigations via the Council website and to include photos as well as telling us how they are impacted.
- 8.3 Our communities can be instrumental in gathering information that enable us to investigate breaches, so that we can appraise it against the relevant planning permissions, guidance etc. and take steps, where appropriate, to remedy breaches that result in planning harm. We would like to acknowledge the importance of working together, and thank everyone who has contributed to the successful work of the Planning Enforcement Team.

## **9 LOOKING FORWARD TO 2026**

### Proactive / additional monitoring:

- Retrospective refusals
- Conditional PP
- Large sites – pre-commencement conditions
- Temporary permissions

## **10 CONTACT OFFICER**

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