

**Planning Control Committee**

**3<sup>rd</sup> September 2026**

**\*PART 1 – PUBLIC DOCUMENT**

**Planning Enforcement Quarterly Report**

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

**1.0 SUMMARY**

- 1.1 An overview of the work and performance of the Planning Enforcement team is reported to the Planning Control Committee on a quarterly basis.
- 1.2 This report outlines the strategic context, local priorities, and an overview of investigations, formal action, appeals and S106 obligations.
- 1.3 The information within this report is underpinned by a secondary, Part 2 Restricted Document, which provides detailed information on a number of investigations that principally relate to matters identified as being high profile, high public interest, updates requested by Members, and/or sensitive cases.

**2.0 LEGAL AND STRATEGIC CONTEXT**

- 2.1 Planning Compliance is primarily concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990 (as amended), Planning (Listed Buildings and Conservations Areas) Act 1990 (as amended), and Town and Country Planning (Use Classes) Order 1987 (as amended).
- 2.2 Established procedures and practices ensure that planning enforcement action complies with the relevant legislative framework, balanced with providing a service which maintains the public's confidence in the Council delivering effective planning enforcement. Every complaint is reviewed and triaged, and new cases opened for investigations where we receive evidence alleging a breach.
- 2.3 It is not usually an offence to undertake development without first obtaining planning permission, and taking formal enforcement action is discretionary and is informed by planning policies. A large number of complaints are from residents concerned about building works undertaken to neighbouring properties, land use and how authorised development is carried out. Investigations relate to unauthorised adverts, harm to protected trees/hedgerows and listed buildings all of which can be criminal offences.
- 2.4 Most cases investigation reports alleging that development has been undertaken without the required planning permission; however, most investigations conclude that developments benefit from 'permitted development'. Other matters that are reported most frequently relate to planning conditions/limitations, listed buildings, and trees.
- 2.5 We aim to ensure that all action is proportionate to the breach and formal action will only be taken when it is expedient and in the public interest to do so, which will vary from case to case.

### **3.0 INFORMATION AND UPDATES**

- 3.1 The Planning Enforcement Technical Support Officer routinely handles a large volume of reports and email queries received in the dedicated inbox. Our webpages provide information which includes responses to questions that we receive most often, and how to report an alleged planning breach.
- 3.2 We would also encourage Members to contact us via the Planning Enforcement webpage, and can provide quickest responses to queries about planning enforcement matters: [Planning enforcement | North Herts Council](#)
- 3.3 The Planning Enforcement Team manages an average of 130 investigations at any time and are prioritised and progressed according to factors, such as the level of seriousness, immunity deadlines. Therefore, the priority of individual cases can change, and some cases can take longer time to resolve, particularly where landowners decide not to resolve, retrospective applications are submitted, or appeals are involved.
- 3.4 S106 agreements are legally binding and entered between a local planning authority and the developers of land that delivers residential schemes of 10 units or greater. Such agreements may include obligations to undertake work and / or obligations to make a payment to mitigate harm or comply with certain policy requirements. The Council monitor compliance with these obligations; the S106 Supplementary Document sets out the approach and expectations from developers in terms of how the discharging conditions is recorded, evidenced, monitored and enforced.
- 3.5 S106 monitoring quarterly reports are now published on the Council webpages along with the Infrastructure Funding Statement: [Planning obligations \(section 106 agreements\) | North Herts Council](#)
- 3.6 Public-facing information is key for helping people to understand planning control and enforcement. A key part of this relates to updated information on the council website. Work is currently taking place to update the conservation pages, which, when completed will see the introduction of a series of Q&As in response to the most common questions and issues for development in conservation areas and works to listed buildings.

### **4.0 INVESTIGATIONS AND PRIORITIES**

- 4.1 Planning enforcement ensures that where harmful development is carried out without permission, it is remedied, either by its removal or its modification would make the development acceptable and conditions attached to planning permission.
- 4.2 Investigations are prioritised according to a range of factors including the severity of the breach, immunity, complexity, and resources. Therefore, the priority of cases can change, we cannot predict how long it will take to conclude investigations. We will update reporters at key stages throughout investigations. Current priorities are:

- Unlawful works to listed buildings
- Unauthorised residential accommodation
- Breaches of planning conditions
- Unauthorised shopfronts within conservation areas
- Unlawful works and removal of protected trees

## 5.0 INVESTIGATIONS & ENFORCEMENT ACTION

5.1 In light of the information above outlining how investigations are prioritised, we do not measure based on the number of cases that are completed, nor by the number of formal notices that are served. Successful investigations are achieved when breaches are resolved, which can take time due to a number of factors – invalid applications, appeals against refused planning applications, appeals against formal notices, non-compliance with notices, escalated enforcement action such as prosecution or injunctive action.

5.2 In line with the Council's approach to enforcement across the regulatory services, we aim to resolve breaches through information steps, where possible. We work collaboratively with Development Management, Environmental Health, Licensing, Housing and external agencies to resolve cases formally and informally.

5.3 Updates on planning enforcement investigations are published on the Council website and include details on the number of cases investigated. The following summary reflects the enforcement work undertaken from April – 11 Aug:

|                                    | 2024<br>(completed) | 2025<br>(completed) | 2026<br>(completed) | Pending<br>decision |
|------------------------------------|---------------------|---------------------|---------------------|---------------------|
| Investigations                     | 283                 | 214                 | 148                 | 123                 |
| Related Retrospective Applications | 65                  | 86                  | 29                  | 23                  |
| Planning Contravention Notices     | 6                   | 13                  | 24                  | 4                   |
| Formal Notices to Resolve Breach   | 7                   | 4                   | 9                   | 8                   |
| Appeals Against Formal Notices     | 1                   | 2                   | 4                   | 5                   |
| Temporary Stop Notices             | 0                   | 3                   | 2                   | 0                   |
| Prosecutions                       | 1                   | 1                   | 1                   | 5                   |
| Injunctions                        | 1                   | 0                   | 0                   | 0                   |
| Other                              | 1                   | 0                   | 1                   | 3                   |

5.4 This data demonstrates that most breaches identified are resolved informally, and proportionate action taken to resolve cases where there is evidence of planning harm. There is a need to strike a balance between protecting the environment, protecting the amenities of neighbours and conserving historic building and areas, whilst at the same time enabling the freedom of the owners to use or alter their property in line with planning regulations.

### 5.5 Expediency

When assessing whether formal action should be taken, the Council will ensure that the action is reasonable, proportionate and is in the public interest to achieve a meaningful outcome that addresses planning harm. For planning enforcement the term expediency enforcement relates to the 'planning balance' for taking action, and landowners should note that development undertaken without the required planning permission is at their own risk.

## 5.6 Notices and Appeals

The table below details the details and status of formal notices that Planning Enforcement has served this year. The information shows that the cases are at various stages of the resolution journey.

Recipients of Enforcement Notices may to appeal to the Planning Inspectorate for an independent decision about the breach/es alleged. When Notices are complied with, we take no further action, however for non-compliance with Notices is an offence and we consider further action - including prosecution and direct action. Some matters are an outright offence, so prosecution is also considered in those cases.

| LOCATION                                 | BREACH                                                                                                        | COMMENTS                                                                                  |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Breachwood Green                         | Material change of use as car park and associated hardstanding                                                | Retrospective application refused<br>Planning appeal dismissed<br><br>EN appeal submitted |
| The George, Baldock                      | Material change of use to residential flats                                                                   | Appeal dismissed<br>Compliance by 11.02.2027                                              |
| 4c Sun Street                            | Change of fenestration within conservation area                                                               | Complied with Notice                                                                      |
| 96 High Street                           | UVPC windows installed to listed building                                                                     | Complied with Notice                                                                      |
| 34 Gaping Lane                           | Incongruous dormer roof addition                                                                              | Retrospective conditional planning permission granted                                     |
| 19 Sollershott Hall                      | Timber trellis and gates affect integrity of listed building                                                  | Compliance not secured – direct action under consideration                                |
| Tea Green Events Venue                   | Material change of use to events venue                                                                        | Retrospective application refused<br>EN appeal submitted                                  |
| 31 Thatcher's End                        | Rear and side extension and raised land levels                                                                | Retrospective application refused<br>Planning appeal dismissed<br><br>EN appeal submitted |
| Land at Morrisons Letchworth Garden City | Damage to protected tree and installation of lighting columns and CCTV associated with EV charging            | Communications to secure tree replanting in progress                                      |
| 36 Victoria Avenue                       | Unauthorised cladding of dwellinghouse and unauthorised development of roof terrace on roof of rear extension | EN appeal submitted                                                                       |
| 66 High Street                           | Unlawful dormer to listed building                                                                            | Pending appeal or compliance                                                              |

## **6.0 S106 MONITORING and ENFORCING PLANNING CONDITIONS**

### **6.1 S106 Monitoring**

The planning system supports the delivery of better recreation facilities, open spaces and health facilities and therefore impacts positively on the health and wellbeing of those living, working and visiting North Herts. This delivery can be through s106 obligations where appropriate. S106 Monitoring and Compliance takes an increasingly proactive role in the monitoring the delivery of financial and non-financial S106 obligations.

6.2 A key aim is to ensure that S106 obligations are secured in accordance the relevant planning legal agreement. As part of this work Officers maintain a schedule of all the S106 financial contributions held, and processes now track and monitor the implementation of schemes of 10 units or larger to ensure they are delivered in accordance with permissions and associated conditions.

6.3 Proactive monitoring of S106 schemes centres on early engagement with developers, as part of building relationships with them, and clearly setting out the S106 monitoring plan and trigger points.

6.4 However, developers are not required to inform a LPA that work is starting on most developments once planning permission has been granted; it is unlawful to make this a condition of a planning consent. The ethos of the planning system is that it is the responsibility of the applicant or any subsequent developer to ensure that the terms of all conditions are met in full. Significantly for an applicant, failure to both discharge and comply with conditions at the correct time runs the risk of impacting on a planning permission and questions whether this remains in force due to a breach.

### **6.5 Enforcement of Planning Conditions**

Planning conditions are used to enhance the quality of development, by mitigating harm and to enable a development to take place that would otherwise have been refused. In essence, they must be fair, reasonable and practicable and tailored to deal with specific issues.

Officers monitor sites in conjunction with other officers where resources permit. tree protection measures being put in place prior to any construction work starting or, as set out below, where work is proposed to a listed building.

## **7.0 RESTRICTED INFORMATION UPDATES FOR MEMBERS**

7.1 Part 2 of the report is restricted and will provide members with more detailed updates on high-profile, sensitive and cases that Members has expressed interest in receiving update information.

## **8.0 NEXT STEPS**

8.1 To note this report.

### **CONTACT OFFICER**

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