

<b>Agenda Item</b>	A7
<b>Purpose of report</b>	To update members on the Planning Enforcement and Applications Team performance.
<b>Report Author:</b>	Service Manager – Development Management
<b>Summary of Recommendation</b>	That the report be noted

## 1.0 Purpose of report

- 1.1 The purpose of the report is to share with members the performance of the Development Management function since April 2024. It is the intention moving forwards that each quarter a report will be presented to members setting out the team's performance, and how it compares with government timescales. The report will also provide information on planning and enforcement appeals. This report contains details on Q4 2024-2025 (January – March 2025) and also Q1 2025-2026 (April to June 2025). Quarter two performance which is from July – September 2025 will be shared with members from October 2025.

## 2.0 Planning Applications

- 2.1.1 The planning applications team comprises of a Planning Applications Manager, 3 Principal Planning Officers, 1 Senior Planning Officer, 2 Planning Officers, 3 Planning Assistants, 1 Graduate Planning Officer and a Section 106 Monitoring Officer. The team determines in the region of 1500 applications a year (amongst the applications noted below, this also includes the likes of discharge of planning conditions, non-material amendments and the Councils pre-application offering). The Planning and Enforcement Teams (together with the Councils Building Control function) are supported by our planning and building technical team who play a pivotal role in supporting the success of the services.

- 2.1.2 There are different types of applications for which government assess local authorities on in terms of performance, these are broken down below. The majority of the schemes that come before members at Committee are major applications.

### 2.1.3 Major

Major applications are applications which fall into the following categories:

- Dwellings - 10+ dwellings or cover a site area of 0.5ha+
- Offices/Retail & Distribution/Light Industry -cover over 1,000m<sup>2</sup> or floor space or a site area of 1ha+
- General Retail Distribution and Servicing – 1,000m<sup>2</sup>+ or floor space or site area of 1ha+
- Gypsy and Traveller sites – 10+ pitches
- All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m<sup>2</sup>

### 2.1.4 Minor applications

These are applications which fall into the following categories:

- Dwellings – 1-9 dwellings. Or site area of less than 0.5ha
- Offices/Retail & Distribution/Light Industry – less than 1,000m<sup>2</sup> floor space or less than 1 ha site area

- General Industry and Distribution and Servicing – less than 1,000m2 floor space or less than 1ha site area
- Gypsy and Traveller sites – 1-9 pitches
- All other minor developments – less than 1,000m2 floor space or less than 1ha site area

### 2.1.5 Other Developments

These applications include the below.

- Change of Use – going from one class use to another
- Householder developments - extensions, conservatories, garages etc within the domestic curtilage of the property
- Advertisements
- Listed Building Consent

## 2.2 Performance

2.2.1 Performance has traditionally been measured in terms of time taken to determine a planning application. The target is 13 weeks for major applications, and 8 weeks for householder and other applications. This is calculated from the date of validation to the date of the decision notice being issued. There is also an opportunity to negotiate an extension of time for applications where it is clear that the statutory target cannot be met.

2.2.2 Currently the Government has set Local Planning Authority performance targets (Improving Planning Performance: Criteria for Designation Updated 2020) as follows:- 60% of Major Applications to be determined within 13 weeks or the agreed time extension 70% of Minor Applications and Others to be determined within 8 weeks or the agreed time extension. As can be seen from the statistics below the service is exceeding the timescales imposed by government

2.2.3 Quarter 4 – 2024/2025 (January- March 2025)

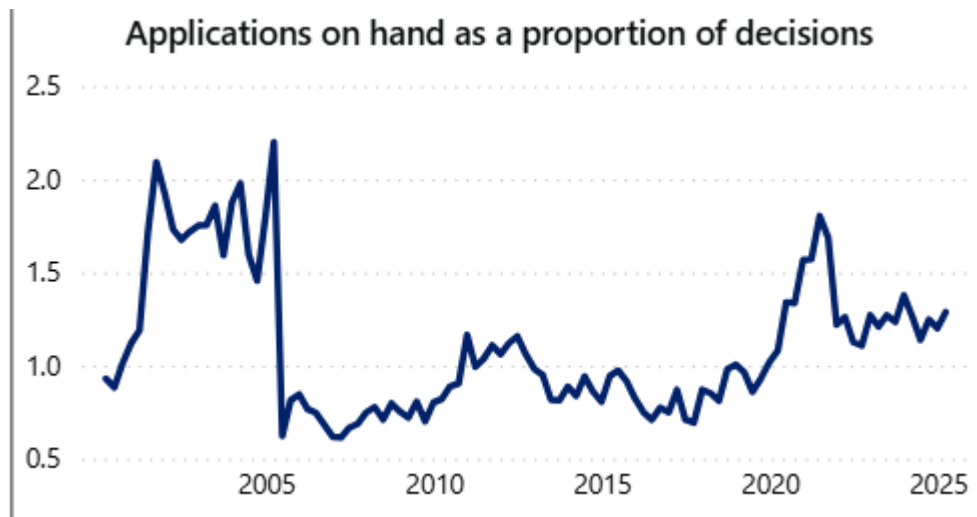
- Majors 92% within 13 weeks or within agreed time extension
- Minors 78.05% within 8 weeks or within agreed time extensions
- Others 86.32% within 8 weeks or within agreed time extensions

Quarter 1 – 2025/2026 (April – June 2025)

- Majors: 100% within 13 weeks or within agreed time extension
- Minors: 86.27% within 8 weeks or within agreed time extension
- Others: 91.30% within 8 weeks or within agreed time extension

2.2.4 The table below shows the number of applications received since the start of 2024, and those determined. Members will note the vast majority of decisions are delegated, and historically the figure is around 93% of applications are delegated to officers to determine. As of 30 March 2025, the Council's applications on hand/decisions figure is 1.29 which is a slight increase from the previous quarter of 1.25, however bodes well when compared against the North-West Average of 1.89. The spike in 2021 was due to the significant planning application backlog the council faced.

	January – March 2024	April -June 2024	July – September 2024	October – December 2024	January – March 2025	April – June 2025
Applications received	215	206	200	189	211	192
Applications determined	219	231	182	194	170	220
Percentage delegated	93%	90%	95%	93%	93%	92%



## 2.3 Planning Appeals

There are three main types of planning/enforcement appeals.

These are written representations, Hearings and Inquiries.

### 2.3.1 Written Representation

Most planning appeals are decided by the written representations route. With this procedure the Planning Inspector will consider written evidence from the appellant, the local planning authority (LPA) and anyone else who has an interest in the appeal. The written evidence usually takes the form of a statement of case by the main parties (the appellant and the LPA), and there is also the opportunity to comment on each other's statements.

For householder appeals there is a slightly different process. There are no opportunities to submit further information once the original appeal form has been submitted and the Local Authority will provide a copy of either the officers delegated/ committee report rather than a separate statement.

### 2.3.2 Hearing

A planning hearing is an appeal in which there is normally no legal representation. Statements are submitted by both parties and there is an open, informal discussion on the key issues. A hearing is usually a day event.

### 2.3.3 Public Inquiry

An Inquiry is more formal process and there is normally legal representation who cross examine witnesses. Public Inquiries will last more than a couple of days.

- 2.3.4 The following planning and enforcement appeal decisions were issued between 1 January to 30 June 2025. A separate list is appended to this report detailing the schemes that have been subject of the appeal and the outcomes.

Planning/Enforcement Appeals Determined	Number	Allowed	Dismissed
Written Representations	19	5	14
Hearings	3	1	1
Inquiry	1	1	0
<b>Total</b>	<b>23</b>	<b>7</b>	<b>15</b>

The percentage of planning appeals allowed stands at 33% and therefore above the quality indicator of Major and Non-Major Development which stands at 10%. Only one enforcement appeal was determined in the last two quarters and that was dismissed. Whilst this figure for planning applications is slightly above the government target there is no cause for concern. There was a hearing planned for 25/00008/REF however that appeal was withdrawn.

## 4.0 Planning Enforcement

- 4.0. The Planning Enforcement Team (which consists of 1 Senior Planning Enforcement Officer, 3 Planning Enforcement Officers and 1 Graduate Planning Enforcement Officer) and are responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and harm arising.
- 4.0. The team receive on average 350 complaints per year, and until 2021 the Council only employed 2 Planning Enforcement Officers, and 1 Graduate Planning Enforcement Officer. As part of the Development Management Review in 2021, two additional Planning Enforcement Officers posts were created employed to assist in managing caseloads and to help reduce the backlog of cases that had built up over time.

### 4.1 Historic Case Review and Management of the Backlog

- 4.1. Over the past 24 months one of the key priorities has been to work on the review and clearance of historic enforcement cases. Some of these cases date back to 2010. A large number of these cases have been reviewed, and a large number of those cases have been closed, either that it is not proportionate to take action, action has been taken, the breach is de minimis or that through the passage of time the breach is immune from enforcement action. The table below shows the progress in terms of clearing historic cases. The team have worked hard to resolve and close active files. In January 2023 we had 342 active cases from the past decade still active, the figure in July 2025 is 126, this is down from 140 the previous quarter. The work has been undertaken in addition to ongoing investigations.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Live Cases July 2025	1	0	0	2	3	2	7	16	22	28	45
Live Cases January 2023	1	1	2	6	5	7	22	53	61	64	120

4.1. A review of cases has also occurred for the recent years of 2021-2025. These are higher in terms of  
2 open cases, but closed cases are also much higher, these take into closure of cases from previous  
years.

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	2021	2022	2023	2024	2025
Overall number of cases received	384	355	310	391	198
Closed Cases	299	176	439	420	206
Open Cases July 2025	70	70	85	143	112
Review of ongoing enforcement cases – The review shows figures for the years 2021-2025. The table illustrates the change in the number of live cases received.					

4.1. In 2025 to date (January to the end of June 2025) a total of 198 cases have been received, and 206  
4 cases have been closed. This is illustrated below.

	2025
Open Cases	198
Closed Cases	81
Cases received January 2024-December 2024	391

4.1. The Local Authority currently have 638 live planning enforcement cases. Between 1 January to 30  
5 June 2025 we received 198 new complaints. The Local Planning Enforcement Plan sets out a case management system as set out below. The local planning authority have committed to monitoring the performance against the action targets. The new plan adopted by the Planning and Regulatory Committee in 2024 set out a new expediency test aimed at assessing the breach, remedying breach, resolving the breach and formal action to resolve the breach if this is indeed required. The new system is designed to be more focussed and allow time for others to pursue the breaches of planning control that require action to be taken.

<b>'Red' Cases</b>	Cases that involve significant or irreparable harm. These include unauthorised works to a listed building, the felling of a protected tree, development likely to adversely impact public safety, or development likely to cause adverse impacts to sensitive habitats (e.g. Sites of Special Scientific Interest and similar designations).	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>1 working day</b> of receipt of the case.
<b>'Amber' Cases</b>	All other cases where there is a breach of planning control.	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>15 working days</b> of receipt of the case.
<b>'Green' Cases</b>	Cases where there is no breach of planning control, or where it is proven at Stage 1 and 2 of the Expediency Test that the breach does not warrant enforcement action.	These cases will <b>not be investigated further</b> .

4.1. It can be seen from the figures below (January to June 2025) that both red and amber cases are being  
6 visited broadly within the timescales. The team itself are now heavily involved in enforcement appeals associated with the serving of the various notices and court appearances associated with the prosecution process. The figures are positive in light of this. There have been some recruitment challenges early on in 2025, however all roles are now filled which will be positive for the future. Given the team are now fully resourced it is the intent to visit 90% of amber sites within the 15 working days.

	Received	Initial visit within target	Average days taken	Percentage in time
Red Case	6	5	<1	83.33%

<b>Amber</b>	182	156	10.1	85.71%
<b>Green</b>	10			

- 4.1. In terms of enforcement action taken in 2025 there have been 30 notices served in the last 6 months.  
7 These are noted below.

<b>Action</b>	<b>Number of Actions</b>
<b>Breach of condition notice</b>	0
<b>Enforcement injunctions</b>	0
<b>Enforcement Notice</b>	13
<b>Injunctive Applications refused</b>	0
<b>Planning Contravention Notice</b>	17
<b>Listed Building Temporary Stop Notice</b>	0

## 5.0 Conclusion

- 5.1 The Development Management Team are working above expected government targets in terms of timescales. Quality of decision making for the last two quarters is slightly above the 10% endorsed by government, however the Authority over the course of the last two years have performed well in terms of quality of decision making. There are no concerns on the quality of decision making.
- 5.2 The Planning Enforcement Team are reducing the significant backlog that was peaked in December 2022 when 797 open cases were held on 1<sup>st</sup> January 2023 whereas the figure now is 638 (20% reduction). There has been a significant effort by officers to deal with beaches of planning control, with a number of notices issued over the course of the last 24 months to remedy breaches, and associated prosecution for failure to adhere to notices.