

Agenda Item	A8
Purpose of report	To update members on the Planning Enforcement and Applications Team performance
Report Author:	Service Manager – Development Management
Summary of Recommendation	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. 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 of Quarter 3 performance which is from October – December 2025. Quarter 4 performance will be shared in Spring 2026.

2.0 Planning Applications

2.1.1 The Planning Applications team comprises a Planning Applications Manager, 3 Principal Planning Officers, 3 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 1,000m² or floor space or a site area of 1ha+
- General Retail Distribution and Servicing – 1,000m²+ 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 – 1,000m²

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 1,000m² 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

Quarter 2 – 2025/2026 (July - September 2025)

- Majors: 100% within 13 weeks or within agreed time extension
- Minors: 96.08% within 8 weeks or within agreed time extensions
- Others: 97.04% within 8 weeks or within agreed time extensions

Quarter 3 – 2025/2026 (October - December 2025)

- Majors: 92% within 13 weeks or within agreed time extension
- Minors: 89.58% within 8 weeks or within agreed time extensions
- Others: 94.12% within 8 weeks or within agreed time extensions

2.2.4 The table overleaf 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 September 2025, the Councils applications on hand/decisions figure is 1.09 which is a decrease from the

previous quarter of 1.13. The figure bodes well when compared against the North-West average of 1.78. The spike in 2021 was due to the significant planning application backlog the council faced.

2.2.5 As highlighted to members in late 2025, there has been a period of change in the last 12 months with internal promotions within the team such as a new planning applications manager and new principal planning officers. Whilst there has been a reduction in the number of applications determined this quarter, there has also been a drop off in planning applications received. Determination figures as shown in paragraph 2.2.3 have dropped slightly however there is no real cause for concern here and it is expected that the next quarters performance will mirror those over the summer of 2025.

	January – March 2024	April – June 2024	July – September 2024	October – December 2024	January – March 2025	April – June 2025	July – September 2025	October – December 2025
Applications received	215	206	200	189	211	192	187	144
Applications determined	219	231	182	194	170	220	193	146
Percentage delegated	93%	90%	95%	93%	93%	92%	95%	86%

Applications on hand as a proportion of decisions



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 October to 30 December 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	Number	Allowed	Dismissed
Determined			
Written Representations	17	1	16
Hearings	1	0	1
Inquiry	1	0	1
Total	19	1	18

Members will note the quality of decision making, with only 1 appeal being allowed of the 19 in total. This deserves special recognition to the team. The only appeal allowed was in fact a retrospective application for the erection of a general-purpose livestock building and cattle/pig shed in Thurnham.

4.0 Planning Enforcement

4.0.1 The Planning Enforcement Team (which consists of 1 Senior Planning Enforcement Officer, 3 Planning Enforcement Officers and 1 Graduate Planning Enforcement Officer) are responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and harm arising.

4.0.2 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 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

4.1.1 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 expedient 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 January 2026 is 93, this is down from 98 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 January 2026	1	0	0	2	3	2	4	11	13	20	37
Live Cases January 2023	1	1	2	6	5	7	22	53	61	64	102

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

4.1.3

	2021	2022	2023	2024	2025
Overall number of cases received	384	355	310	391	344
Closed Cases	299	176	439	420	422
Open Cases January 2026	46	52	70	116	166
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.					

4.1.4 In 2025 to date (January to the end of December) a total of 344 cases have been received, and 178 cases have been closed. This is illustrated below.

	2025
Open Cases	166
Closed Cases	178
Cases received January 2025 -December 2025	344

4.1.5 In November 2025 we reported to members that there were **571** live enforcement cases and officers have worked hard to reduce this number to **561** live planning enforcement cases. Between 1 October to 31 December we received **66** new complaints. The intention is that by the end of February 2026 the figure is reduced to 495 cases across the team (from 561). 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.

'Red' Cases	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 1 working day of receipt of the case.
'Amber' Cases	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 15 working days of receipt of the case.
'Green' Cases	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 not be investigated further.

4.1.6 It can be seen from the figures below (January to December) that both red and amber cases are being 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 very positive in light of this. There were 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 (although one is currently on Maternity Leave until the summer) 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	11	8	0.9	72%
Amber	317	260	10.6	82%
Green	16	NA	NA	NA

4.1.7 In terms of enforcement action taken between October and December 2025 there have been 9 notices served in the last 3 months. These are noted below.

Action	Number of Actions
Breach of condition notice	0
Enforcement injunctions	1
Enforcement Notice	2
Injunctive Applications refused	0
Planning Contravention Notice	6
Listed Building Temporary Stop Notice	0

5.0 Conclusion

5.1 The Development Management Team (Planning Applications) are working slightly below the expected government targets in terms of timescales. But overall, for the last 12 months the performance has still been exceptional, especially the improvement since January to March 2025. Quality of decision making for the last quarter is well under the 10% of appeals to be allowed endorsed by government. 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 and the last quarter has been exceptional with only 5% of appeals allowed.

- 5.2 The Planning Enforcement Team are reducing the significant backlog that peaked in December 2022 when 797 open cases were held on 1st January 2023 whereas the figure now is 561 (30% reduction). Despite one of the case officers being on maternity leave, officers have worked diligently over the course of the last quarter. 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.