

<b>REPORT TO:</b>		Planning Committee
<b>DATE:</b>		19 February 2025
<b>REPORT AUTHOR:</b>		Head of Planning and Transportation
<b>TITLE OF REPORT:</b>		Enforcement Update
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable

## 1. Purpose of Report

- 1.1 The Planning Enforcement Team (comprising two Planning Enforcement Officers) is responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and the harm arising, where necessary. Complaints about breaches of planning control are normally made by members of the public, other Council departments and elected members.
- 1.2 The Planning Enforcement Team receive approximately 250 cases per year and until 2022 the Council employed a single Planning Enforcement Officer. A second Planning Enforcement Officer was employed in October 2022 to assist with managing caseloads and to help reduce the backlog of cases that had built up over time.
- 1.3 The purpose of this report is to update members on the work of the Planning Enforcement Service. Specifically, the report will examine the following matters:
  - Historic Case Review and Management of the Backlog
  - Current Enforcement Cases
  - Enforcement Notices and Cases
  - Prosecutions

## 2. Recommendation

- 2.1 That the contents of the report are noted.

## 3. Historic Case Review and Management of the Backlog

- 3.1 Over the past 18 months one of the key priorities has been to work on the review and clearance of historic enforcement cases dating back to 2013. To date, all cases up to (but not including) 2021 have been reviewed and a large number of those cases have

been closed on the basis that the breach is de minimis, it is not proportionate to take action or that the breach has been regularised through the passage of time. The progress made in relation to cases from 2013-2020 is illustrated by Figure 1 below.

3.2 Regular meetings have been held to consider all cases on a year by year basis. So far, the number of live cases (2013-2020) has been reduced from 185 to 49, which is a reduction of 136 cases since September 2023. This work has been undertaken in addition to the on-going investigation of enforcement cases.

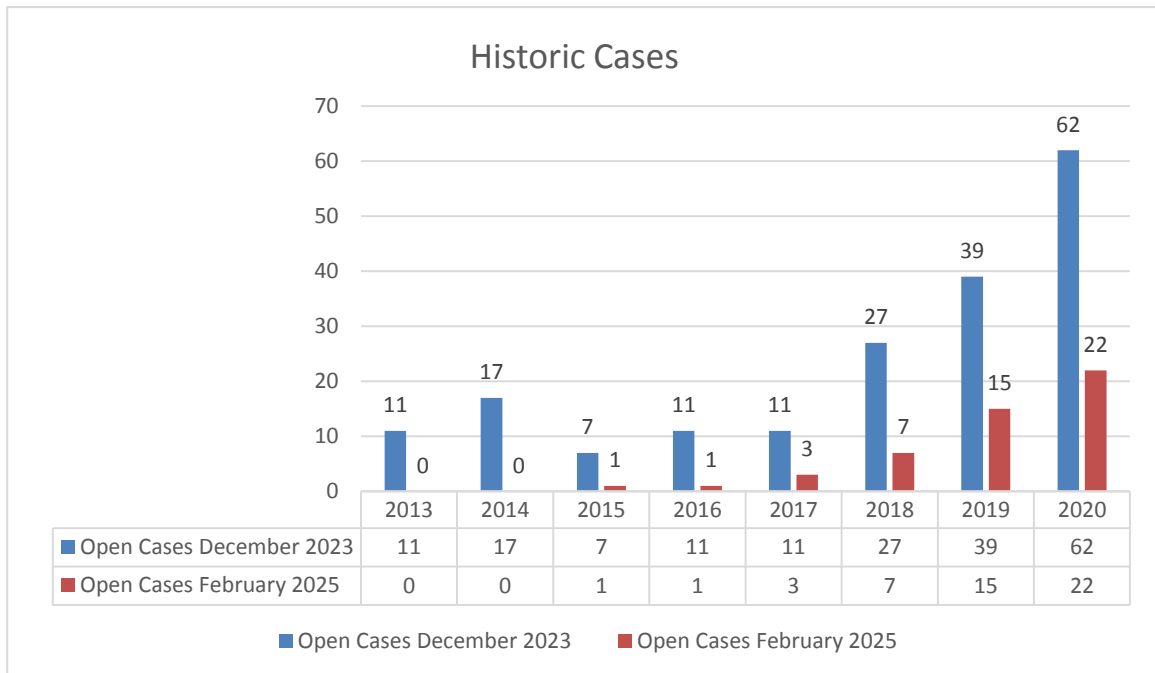


Figure 1. Review of on-going enforcement cases (2013-2020)

3.3 The review of cases has also been continued for the years 2021-2023. Case numbers for these years are not only higher in terms of the number of open cases, but also involve more detailed consideration of whether or not to close cases. This is due to the fact that enforcement action may still be able to be taken on unauthorised developments (i.e. they are not immune from enforcement action due to the passage of time). Below is a table (Table 2) illustrating the amount of live cases.

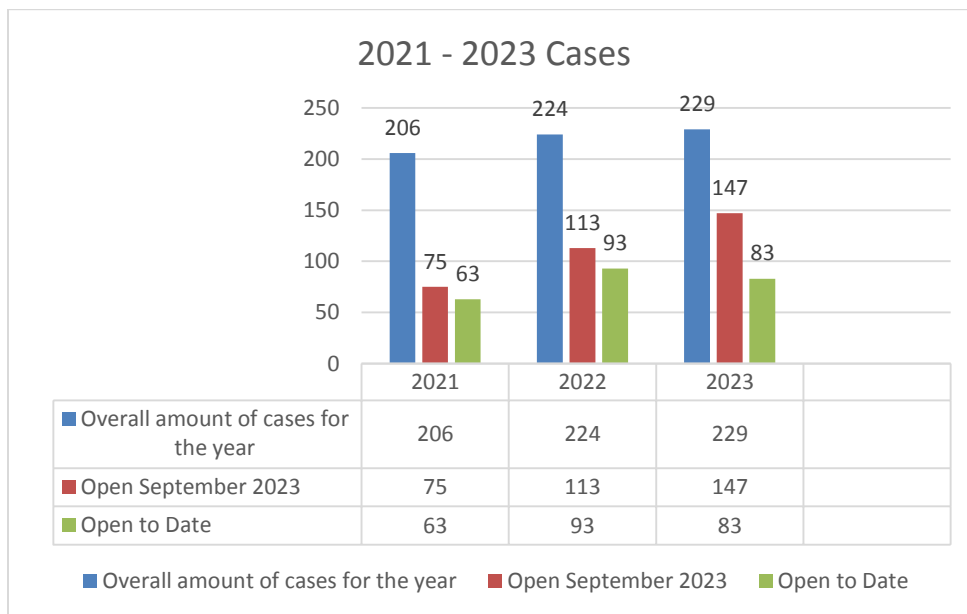


Figure 2: Review of on-going enforcement cases (2021-2023)

3.4 It should also be noted that in the year 2024, we received a total number of 219 cases, 110 of which have been closed. This is illustrated in Fig. 3 below.

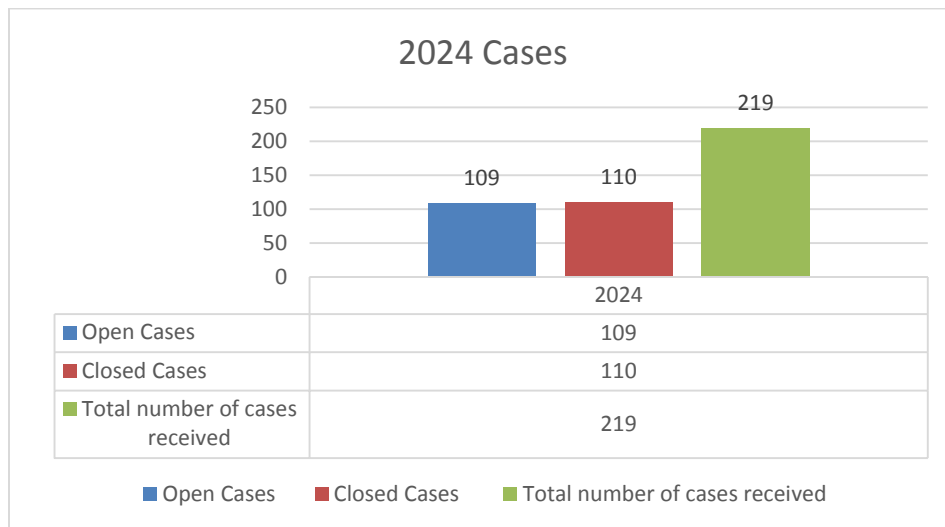


Figure 3: Review of recent cases of the year 2024.

3.5 The figures do not include 2025 cases and these will be included in the next committee update report. For the years 2013- 2024 (end), in total there are currently 397 cases open remaining. Over the next 12 months, the aim is to achieve a reduction in cases so that workload will become more management.

#### 4. Electronic Management of Enforcement Cases

- 4.1 The management of enforcement cases has historically been through paper-based files. New software, NEC Assure, is now in place for the Enforcement Module that allows cases to be entered into a database and for the database to be used to generate letters, reports and manage dates. Importantly, this allows performance of the service – measured by cases resolved in 8 weeks – to be automatically calculated in the same way that planning application performance is monitored.
- 4.2 It is also proposed to use the recently procured document management software (NEC DM) to manage enforcement case information.

## **5. Review of Enforcement Protocol**

- 5.1 The National Planning Policy Framework (the Framework) recommends that local planning authorities publish a local enforcement plan to manage enforcement proactively and in a way that is appropriate to their area. The Council's enforcement protocol (known as the 'Planning Enforcement Management Plan') sets out priorities for investigation, explains the type of complaints that will be investigated, and outlines the Council's general discretionary powers with regard to planning enforcement. The document has been reviewed and updated to reflect the approach now being taken.

The revised protocol will soon be presented to Cabinet for approval. The amendments and improvements in the new protocol will mean that cases will be allocated to individual officers and investigated within agreed priority levels – in effect, a traffic light system.

## **6. Lone Working Arrangements**

- 6.1 The employment of a new officer within the service has highlighted to need for officers to take appropriate precautions when working on site, particularly when visiting sites alone. The service has procured a lone working device that allows officers to contact emergency services in the event of an incident or threat to them on site. There are a number of officers within the service that would benefit from the use of such a device when working in isolated rural areas or when in confrontational situations. The devices can now be use by the department.
- 6.2 Officers also have a letter authorising power of entry to sites should it be necessary.

## **7. Enforcement Notices and Cases**

- 7.1 This section sets out the enforcement notices and cases prosecuted in 2024 (see Table 1).

Table 1. Planning Enforcement Notices and Cases in 2024.

Action	Breach of Planning Control	Address	Outcome
Enforcement Notice	Without planning permission, the erection of boundary wall, fence and roller shutters to the side of the property facing Riding Barn Street.	105 Hyndburn Road, Church	Appeal – Await Decision
Enforcement Notice	Without planning permission, the erection of an agricultural building.	Rosedene Barn, Rhoden, Oswaldtwistle	Appeal – Await Decision
Enforcement Notice	The development is not in accordance with the approved plans, planning application ref 11/22/0203.	18 Moorside, Clayton-Le-Moors	Appeal – Await Decision
Enforcement Notice	Erection of fencing on land adjacent to Park Road, Monk Street and Princess Street	Served on individuals suspected to have interest.	Appeal – Await Decision
Prosecution	Failure to respond to Planning Contravention Notice	Wood Cottage, Spouthouse Lane, Huncoat	Fine and Costs awarded to Council
Planning Enforcement Order	Concealment of the development of a residential dwelling in the Green Belt without planning permission	Hillside, Shawcliffe Lane, Whalley Banks, Great Harwood BB7 9JL	Order hearing scheduled for Magistrates Court in March 2025
Prosecution	Failure to comply with an Enforcement Notice served.	2 Oakdeane Avenue, Huncoat	Court Date arranged for February 2025
Prosecution	Failure to comply with an Enforcement Notice served.	70 Glebe Street, Great Harwood	Court Date arranged for February 2025
Enforcement Notice	Without planning permission, the laying of a hard standing concrete and the creation	33 Queens Road,	The notice is still within the

	of a vehicular access (driveway) on a classified road without drainage provisions.	Accrington	compliance period
Enforcement Notice	Without planning permission, the laying of concrete on a cobbled street without drainage provisions.	Wood Street, Church	Appeal – Await Decision
Enforcement Notice	Change of use of land for the storage of tyres and vehicles.	Wood Street, Church	Complied with the Notice
Breach of Conditions Notice	Failure to comply with the conditions attached to the approved application.	Whalley Road Car Wash, Clayton Le Moors	Part – compliance to the notice, awaiting the discharge of conditions.

**8. Local Government (Access to Information) Act 1985:  
List of Background Papers**

- 8.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*