

**SUMMARY OF ENFORCEMENT ACTIVITY FOR 2009
(Report by Planning Service Manager (Development Management))**

1. PURPOSE OF REPORT

- 1.1 The main purpose of this report is to update Members on enforcement activities carried out during 2009, to report back on the priorities which were identified for 2009, and to outline to the Panel the proposed priorities for 2010.
- 1.2 It is also to ask Members to endorse the revised Planning Enforcement Policy document.

2. OVERALL SITUATION DURING 2009

- 2.1 The theme for 2009 has been ever increasingly heavy workloads, seriously exacerbated by absence on sick leave of one of the two Enforcement Officers for the last 14 weeks of the year. During the early part of the year, the workload increase was gentle and manageable with experienced staff. However 82 more files were opened in June for units at Hartford Marina, and from that time the number of active files has grown steadily to its current record high of 416. This is an increase of 56% since January 2009 (and 195% since December 2006). With no increase in Officer hours (in reality a reduction due to one Officer working part-time) this is clearly very difficult to manage.
- 2.2 Karen Tozer has completed the Cambridge University Certificate of Continuing Education in Planning Enforcement, a qualification now held by the Planning Enforcement Team Leader and both Enforcement Officers. This comprises 4 modules in various aspects of enforcement work, each involving attendance at contact sessions, assignments and presentations. It is a nationally recognised qualification which, with relevant service, can lead to membership of the RTPI.
- 2.3 The Planning Enforcement Team Support Officer post (15 hours per week) has been extended for a further 12 months from January 2010. This post is vital for the function of the service, including responding to basic enquiries, recording and acknowledging post, raising files, issuing updates to complainants, and providing general support for the team. During 2009 she sent 213 letters informing complainants of progress on their cases, which was an increase of 88% on 2008, delivering improved communications to our customers.
- 2.4 The decision to divide the District into two Officer areas has worked well, with neither area showing significantly more cases than the other. Parishes immediately either side of the boundary facilitate flexibility as complaints in those areas can be handled by either Officer depending on prevailing workloads. Releasing the Planning Enforcement Team Leader from new cases has enabled her to focus on the more complex cases, appeals, etc in addition to providing support as required. Unfortunately the staff shortage has prevented

her from finding a better balance between casework and managerial responsibilities.

- 2.5 The predominant issue for complaints during 2009 has been the unauthorised residential occupation of boats, caravans, and buildings. These cases are complex and require detailed investigation and sensitive handling, and often will not be resolved without recourse to formal enforcement action which is then likely to be challenged by appeal. These cases are time-consuming, but so are those requiring extensive monitoring, often outside normal working hours, of which there have been several high profile cases this year. The nature of these sorts of issues has added to the difficulties of dealing with a high number of complaint files.
- 2.6 Hartford Marina continues to be the most significant enforcement issue with 157 files now opened relating to this site alone. Colleagues have started pursuing Council Tax in respect of residential occupiers of other Marinas and this has already led to a small number of additional files being raised for investigation with more expected.
- 2.7 Residential caravans lead to frequent complaints. As a predominantly rural District the siting of a caravan on agricultural land is not uncommon, but attempting to establish whether or not it is occupied can be difficult, and more so proving that it is a sole or main residence. Significant resources have been spent investigating a series of caravans in Ramsey Heights following complaints from nearby residents.
- 2.8 Despite these pressures there have been several positive outcomes achieved during 2009 including prompt and effective actions against unauthorised gypsy sites.

3. REQUESTS FOR SERVICE

- 3.1 In terms of workload 441 formal complaints were received during 2009. This was an increase of 16% over 2008, largely due to the Hartford Marina files. The average number of new complaints over the last 5 years has been 343 so even allowing for 82 Hartford Marina files this still shows an upward trend.
- 3.2 In addition there have been a further 146 issues reported which related to general enquiries, searches, matters for other organisations, expired planning permissions, and other potential breaches of planning control. These are allocated a lesser level of service but nevertheless require time to be spent on checks and responses and may on occasion require a site inspection.
- 3.3 Thus the total number of requests for service received during 2009 was 587 which is 81 more than in 2008, an increase of 16%. However this difference equates to the number of Hartford Marina files raised this year (82), meaning that the remaining number of complaints received has remained static.
- 3.4 There have been 322 planning permissions identified for monitoring during the year which represents a 23% decrease on the 2008 figure, reflecting the general reduction in the number of planning applications this year. However the total number of cases now selected for

monitoring has risen to 375 from 238 in January 2009 and still remains of concern because when development commences on those sites there will be a significant influx of cases needing action. For this reason, and because Planning Officers are now more proactive in securing compliance with conditions, the role will be reviewed during 2010 to ensure that this resource is used in the most effective way.

- 3.5 The Planning Enforcement Condition Monitoring Officer has carried out a total of 589 site inspections checking for the commencement of development, or actions on other trigger points such as occupation. She has also commenced a rolling review of occupancy conditions, checking to ensure that the unit is still occupied in accordance with the planning permission. This work has already identified two apparent breaches, one of which was successfully remedied and the other for which investigations are ongoing. This process will be extended in 2010 to include checking the use of designated agricultural buildings.

4. RESPONSE TIMES

- 4.1 Huntingdonshire District Council's Development Control Service Plan sets out timescales for making an initial site visit in response to a complaint. The measurement is the number of visits made within 10 working days of receipt of the complaint. The target is 100%, but statistics are also collected for visits made within one week and within 24 hours of receipt of the complaint.

- 4.2 For 2009 the statistics were as follows (with 2008 and 2007 figures in brackets for comparison purposes – 2008 figures first):

• Visits within 10 working days	77% (87%) (78%)
• Visits within one week	52% (66%) (50%)
• Visits within 24 hours	20% (26%) (19%)

- 4.3 Whilst the response time has fallen during 2009 this is not unexpected due to the heavy workloads and staff shortages. However these statistics reflect the priority that Officers give to new complaints when possible, and one in five complaints being visited within 24 hours is a very good service.

- 4.4 Prioritising actions is a vital element of managing a heavy caseload. The current prioritisation system has been in operation since 2003 to reduce caseloads to a level where actions can be efficient and effective. The system relies on actions being determined on the basis of a harm assessment, which accords with advice in PPG18. All complaints receive an initial investigation and any established or perceived breach is notified to the relevant persons with advice on how to remedy it. When harm is minimal formal enforcement action would not be expedient and those cases are closed without further follow up action, allowing resources to be targeted at those breaches which are unacceptable.

- 4.5 Complaints from Members have been actioned outside this process since 2003. A review has been undertaken of a sample of such complaints which found overwhelmingly that this different approach made no difference to the final outcome. There is accordingly no

justification for complaints from Members being treated any differently from others and in accordance with the Council's equality agenda it is proposed that all complaints will fall within the agreed prioritisation system from 1 January 2010.

5. CLOSURE OF FILES

5.1 290 cases were closed during 2009, a small increase on the 285 closed during 2008. However as 151 more files were opened than closed (and Hartford Marina accounts for only 82 of those) this is a serious concern. It is hoped that a return to full complement in the New Year will enable Officers to move more cases forward to closure, which in turn will bring the caseloads down to a more manageable level.

5.2 There continues to be a focus on bringing files more than two years old to a conclusion. There are currently 54 such files which represents only 13% of the live caseload. These files are reviewed on a regular basis to bring them to a conclusion where possible.

5.3 Of the 290 files which were closed the outcomes were as follows:

- 49% (144 files) No breach found (permitted development, lawful, de minimis, or not development)
- 23% (66 files) Remedied voluntarily following negotiation, or remedied after formal action
- 7% (20 files) Planning permission granted or minor amendment approved following enforcement intervention
- 21% (60 files) Not expedient to pursue further under our adopted prioritisation system

The main change in 2009 was a 7% increase in the number of cases where a voluntary remedy was achieved through negotiation. This is commendable given the time pressures on staff and demonstrates an important core enforcement skill.

5.4 57 planning applications were generated as a direct result of enforcement activity. This is a marginal increase over the total for 2008 but greater in real terms due to the smaller number of planning applications lodged this year.

6. SIGNIFICANT CASES

6.1 The Hartford Marina issue remains the most significant matter with more than 150 files raised for investigation, although action on all but 30 is currently suspended following the report to Panel in August 2009 pending the formulation of a relevant policy on which future decisions can be based.

6.2 An Enforcement Notice issued in respect of the unauthorised change of use at Anglo in St Neots was subsequently withdrawn following undertakings to carry out further remedial actions to address the noise and odour problems. Planning permission was granted to increase the height of the stacks and the alterations took place immediately prior to Christmas and testing is scheduled for the end of January 2010. If this resolves the issues it will demonstrate the

benefit of taking a firm stance whilst working with the company to bring about a solution.

- 6.3 A successful application for an injunction was made to prevent land in Bluntisham from being occupied by gypsies. This was an apprehended rather than actual breach, arising from information obtained and activity on site which gave rise to concern. The prompt action means that the site remains vacant and no unauthorised development took place.
- 6.4 An Enforcement Notice was issued in respect of an unauthorised gypsy site on land at Ramsey Heights. This resulted in the site being vacated before the Notice even came into effect.
- 6.5 An Enforcement Notice relating to the unauthorised siting of a residential caravan on land at Great Gransden was upheld on appeal with the use to cease by mid-April 2010. Another successful appeal outcome was the upholding of an Enforcement Notice relating to the occupation of a narrow boat and associated land for residential purposes at Hemingford Abbots. This followed substantial investigation into the occupier's circumstances in order to refute claims that an alternative address materially altered the planning position.
- 6.6 Enforcement action and sensitive negotiations led to the reinstatement of a tiled roof on a property in St Neots which had been re-roofed using unacceptable artificial slate.
- 6.7 A successful prosecution was brought in respect of works to a listed building in Ramsey. These works included the demolition of internal walls, alterations to a window, the removal of a fireplace and door, and the destruction of a slate lined water system. The defendant pleaded guilty to two charges and was fined a total of £5500 with costs of £3500 awarded to the Council.

7. 2009 PRIORITIES

- 7.1 Seven key objectives were identified for 2009 and the outcomes are summarised below:

To facilitate a smooth transition into the new offices without detriment to customer services

- 7.2 The office move has been welcomed by all members of the team. The feeling of isolation resulting from being in a separate remote room has gone with all now feeling part of the Development Management service. The ability to work remotely enabled cover to be provided throughout the move with no resultant loss of response.

To ensure that individual workloads remain manageable following the transition to only two Officer areas

- 7.3 This was being achieved for the first half of the year but the addition of another batch of Hartford Marina files together with the steady increase in the number of general complaints and significant issues led to an increase in workloads to a level of concern. This was compounded by the absence of one Enforcement Officer during the

last 4 months of the year. Temporary measures were introduced in October to spread the work but it will be some time before actual caseloads will be reduced to an acceptable level. This will be an ongoing priority for 2010.

To make use of available technology to reduce time spent on administrative tasks such as printing, etc

- 7.4 During 2009 the use of electronic information was enhanced to support the transition to electronic records which commenced in 2008. Access to data from other services has been obtained which is now made available to Case Officers to minimise background investigations. Electronic file notes and the attachment of documents are now standard processes on all cases, although paper files continue to be raised where formal action is considered. Work is ongoing to enable some records to be accessed via the website which will allow customers to obtain information without the Enforcement Register having to be taken to and from the Customer Service Centre.

To record all condition monitoring records on the computer system, to add document templates, and to implement the process for monitoring occupancy conditions

- 7.5 All current condition monitoring cases are on the system but it has not been possible to enter all historic cases due to time constraints. This will be actioned on an "as and when" basis, and may be reviewed as the role evolves. Some document templates have been introduced but more are to be created to support the actions required. The procedure for monitoring occupancy conditions has been commenced with one breach being identified and resolved and another under negotiation.

To introduce a process of raising awareness internally of successful outcomes

- 7.6 The team has focussed during 2009 on sharing information with colleagues during the lifetime of a complaint and at its point of closure. Working in one office has supported this, as has the increased use of technology which enables others to view a file at any time.

To complete the updating of the Enforcement Manual and web pages

- 7.7 An Advice Note was published on the website during 2009 providing general information about the planning enforcement function. This leaflet will form the new enforcement web page which is due to go live in January 2010. The Enforcement Manual has been added to and updated and is now on a shared drive so it can be accessed by colleagues. Adding to it is an ongoing process but it will be reviewed annually to ensure it remains relevant and accurately reflects working practices.

To review and revise as necessary the Planning Enforcement Policy document

- 7.8 The review has been completed and the Policy has been updated to include reference to the procedure for handling new complaints and reference to the prioritisation system. Members are asked to endorse the revised document will be circulated electronically prior to the meeting.

8. PRIORITIES FOR 2010

- 8.1 Five key objectives have been identified for 2010:

- To reduce caseloads to a manageable level
- To focus on quality outcomes where unacceptable breaches are identified
- To review the procedure for closing complaint records
- To review the role of the Planning Enforcement Condition Monitoring Officer to ensure it complements condition-related work carried out by Planning Officers
- To introduce a process for monitoring the use of agricultural buildings

9. RECOMMENDATIONS

- 9.1 That the Panel **NOTES** the content of this report and endorses the identified objectives for the Enforcement Service during 2010.
- 9.2 That the Panel **ENDORSES** the December 2009 revisions to the Planning Enforcement Policy document.

BACKGROUND PAPERS

Huntingdonshire District Council Planning Enforcement Policy (revised December 2009)

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