

Scrutiny Report

Report of Head of Planning

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Wards affected: All

Cabinet member responsible: Anne-Marie Simpson

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To: SCRUTINY

Date: 7 November 2023

Review: Planning Enforcement Statement

Recommendation

- (a) That Scrutiny Committee considers the latest progress report of the new approach to planning enforcement (as set out in the Planning Enforcement Statement 2021) and provide any comments to the Cabinet Member for Planning.

Purpose of report

1. To seek Scrutiny Committee's comments on the progress made in the last 9 months in reducing the on-hand enforcement case work to enable improvement in the performance of timely responses to investigations.

Corporate Objectives

2. The investigation and actions to mitigate planning harm supports the Corporate Plan, 2020 - 2024, themes of 'Homes and Infrastructure that meet local needs' and "Improving economic and community well-being".

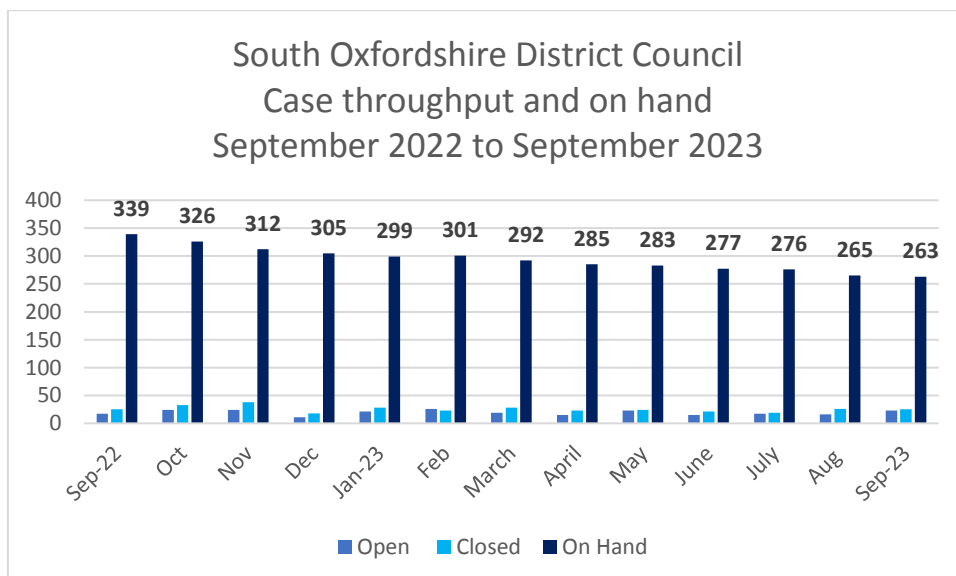
Background

3. The joint Planning Enforcement Statement was agreed and adopted by both South Oxfordshire District Council’s Cabinet and Vale of White Horse District Council’s Cabinet in December 2021. Presentations and interactive sessions were conducted by officers in December 2021 and January 2022 for district, town and parish councillors and were all well attended. A further joint training session for district councillors was held in September 2023 and as part of planning training for town and parish councils in October 2023. Again, it was well attended, and officers received positive feedback.
4. Scrutiny Committee first considered the new approach to planning enforcement in November 2021. A six-monthly progress report, supported by Cabinet was presented to Scrutiny Committee in July 2022 and further update was presented in March 2023. A further request was then made by Scrutiny Committee to review again at a suitable time after the council elections being held in May 2023.
5. This report presents an assessment of the team’s performance, including managing live cases, up to the end of September 2023.

Managing caseload

6. The team continues to improve the management of existing case throughput, by regular case reviews. The triaging system is working well and there have been no complaints since our previous report. Planning enforcement case throughput and on-hand monitoring for the last twelve months from September 2022 to the end of September 2023 is set out below in Graph 1.

Graph 1

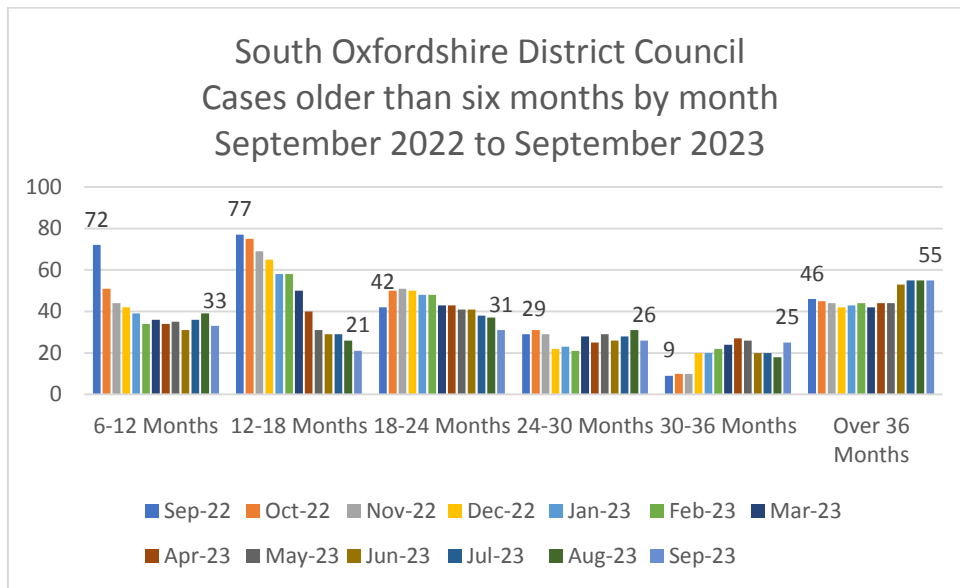


7. Overall case numbers have continued to fall. Since our last report the team has reduced its reliance on the use of consultants. At the end of September following a

service restructure the six month seconded resource from other parts of the department were made permanent. This has added two posts which along with wider working across the service, has increased the teams capacity and resilience to complete the outstanding items within the action plan and refine its processes and procedures. This will help set up the new software next year and enable more proactive way of working, such as pre-start meetings and monitoring on strategic housing sites or themed enforcement projects (adverts) to resolve issues within an area (Conservation area or town centre).

8. A breakdown of the on-hand casework older than 6 months up to and over 36 months is set out in graph 2 below.

Graph 2



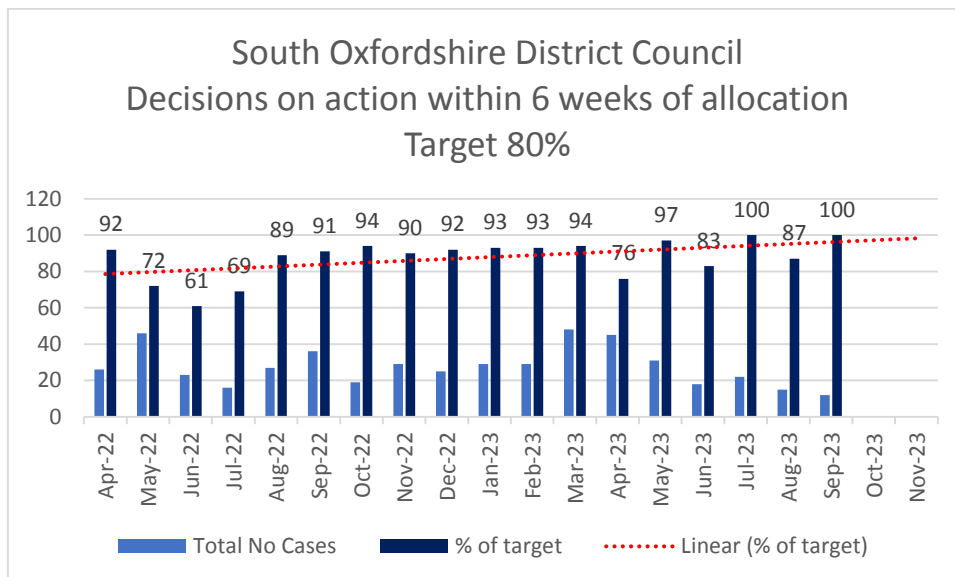
9. The teams success in tackling the on-hand work can be seen in the continuous fall in overall workload but in particular in the fall in numbers up to 24 months. However there continues to be a mixed picture with cases older than this.
10. The team is now focussing on reducing the number of the older cases. The data illustrates the nature of casework which includes ‘baked-in’ time in the investigation and enforcement process. Currently for example 46 of the 55 oldest cases over 36 months old are required to remain open to ensure compliance with notices served, or waiting for the outcome of enforcement appeals and prosecutions or the outcome of planning applications.
11. The team monitors all cases over six months old which is reviewed on a fortnightly basis at one to ones and monthly by senior management in order to ensure the timely closure of on-hand cases.
12. It is important to recognise that the service is bucking the national trend in terms of workload, resourcing and meeting customer demand. Research by the RTPi

(requested by DLUHC) in November 2022, based on 103 English councils, showed that almost 90% of councils were experiencing an enforcement backlog and 80% advised of a lack of resources and difficulty in recruitment. The report indicates over 70% of councils reported delays from the Planning Inspectorate which impacts on the service and that Government is considering new requirements such as the policy on Biodiversity Net Gain, which although implementation has been delayed until next year, it is unlikely that councils will be able to monitor biodiversity sites.

Performance

13. Since April 2022 we have monitored our efficiency target of deciding a course of action for 80 per cent of cases within six weeks of case allocation. The combination of resource challenges and complex cases (e.g., gypsy and traveller investigations), meant that we were not achieving the target consistently. The additional resource and wider team involvement will enable the team to sustain its performance, see graph 3 below.

Graph 3



Climate and ecological implications

14. In maintaining public confidence in the planning system (NPPF), the revised Planning Enforcement Statement helps ensure new development and relevant planning conditions support climate and biodiversity mitigation.

Financial implications

15. There are no financial implications resulting from this report.

Legal implications

16. There are no legal implications resulting from this report.

Conclusion

17. Planning enforcement sits at the heart of the planning system and we manage it in a way to maintain public confidence in the planning system. The improved Planning Enforcement Statement is working well and achieving its objective, to capture cases with the potential for most planning harm and to improve transparency of decision making and efficiency in working.
18. The team's performance has shown sustained improvement since the introduction of the Statement, both in reducing the on-hand case work and managing case throughput. The team is now focussed on reducing the number of cases older than 6 months and completing the outstanding items from the action plan, in particular those that are required to ensure a smooth transition to the new IT system coming online next year.
19. There is nothing officers suggest to further improve or change the adopted Statement and our approach to dealing with planning enforcement matters.

Recommendation

20. That Scrutiny Committee considers the continued progress of the team's performance and provide any comments to the Cabinet Member for Planning.

Appendix 1

Planning Enforcement Statement December 2021

<https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/03/Enforcement-Statement.pdf>