



PLANNING COMMITTEE

18 April 2024

REPORT TITLE:	DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE- ENFORCEMENT ACTIVITY BETWEEN: 1ST JULY 2023 TO 30TH SEPTEMBER 2023, 1ST OCTOBER 2023 TO 31ST DECEMBER 2023 AND 1ST JANUARY 2024 TO 26 MARCH 2024
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service regarding its planning enforcement activity for the periods of:

- 1st July 2023 to 30th September 2023;
- 1st October 2023 to 31st December 2023; and
- 1st January 2024 to 26 March 2024

This matter affects all Wards within the Borough.

RECOMMENDATIONS

Planning Committee is recommended to note and endorse the performance update.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 This report enables Members to be updated on the performance of the Development Management Service regarding its enforcement activity.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As the Council's enforcement activity is being undertaken in accordance with its Planning Enforcement Policy, no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Performance and Workloads

- 3.1 The Council's Planning Enforcement Policy sets out how the enforcement service

within the Development Management Team will be delivered and defines the standards to be met. The Council aims to send an acknowledgement letter to the complainant within 5 working days of receipt of the enquiry and to conduct a first site visit within 15 working days.

3.2 The Council also aims for 80% of cases to reach a 'key milestone' within 13 weeks of receipt of the initial enquiry. A key milestone is one of the following dates on which:

- It is established that there has been no breach of planning control;
- A retrospective planning application is submitted;
- A breach of planning control is remedied through negotiation;
- It is deemed not to be expedient to take formal enforcement action;
- Formal action (such as the service of an enforcement notice) is taken; or
- It is established that the time limit has passed for the Council to take enforcement action.

3.3 As of 2nd April 2024, the total number of open enforcement cases under active investigation was 366 cases. When the last performance report was presented to Planning Committee on 17th August 2023, the total number of open cases was 394 cases.

3.4 The following two tables set out the performance of the enforcement service between 1st July 2023 to 30th September 2023.

Total number of enforcement cases opened	No. of cases closed
117	140

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
89	76%

3.5 The following two tables set out the performance of the service between 1st October 2023 to 31st December 2023.

Total number of enforcement cases opened	No. of cases closed
82	81

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
57	68%

3.6 The following two tables set out the performance of the service between 1st January 2024 to 26th March 2024.

Total number of enforcement cases opened	No. of cases closed
72	98

No. of cases reached key milestone	% of cases reaching key milestone within 13 weeks
61	84%

3.7 The majority of the Planning Enforcement work is reactive, responding to reports about possible breaches of planning control and determining applications for works to protected trees.

Formal Enforcement Action

3.8 Paragraph 59 of the National Planning Policy Framework states ‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control....’

3.9 Formal action should only be taken as a last resort when all attempts to resolve the matter informally have been exhausted. Formal notices (being enforcement notices or breach of condition notices) are therefore, only served in cases where negotiation has not proven successful, and it is expedient to do so. The majority of planning enforcement cases are resolved through negotiation.

3.10 Between 1st July 2023 and 26th March 2024, 3 enforcement notices were issued as listed in Appendix 1 of this report.

3.11 11 Planning Contravention Notices (being requisitions for information about site ownership and activity on the land) were issued between 1st July 2023 and 26th March 2024.

Key Successes

3.12 Examples of some of the key successes achieved during the last two quarters of the calendar year 2023 and first quarter of 2024 are set out below.

Land at Freddie's Bar and Grill, Stanley Road, New Ferry, CH62 5AR.

- (i) An enforcement was issued in January 2023 requiring the use of the premises as a bar to cease and the removal of the unauthorised extensions. This has subsequently been fully complied with.

RAFA Club, Alton House, 17 Shrewsbury Road, Oxtou, CH43 1UU

- (ii) An enforcement notice was issued in October 2023 requiring the removal of a storage container from the land. This has subsequently been fully complied with.

Hamilton Square, "Restoring Hamilton Square Listed Buildings"

- (iii) This project recommenced in September 2023 and all owners, tenants and occupiers have now been written to, with many now engaging with officers.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 172(1) of the Town and Country Planning Act 1990 provides that the Council may issue an enforcement notice where it appears to the Council that

(a) ...there has been a breach of planning control; and

(b) ... it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.'

5.2 The above provision is reflected in Paragraph 59 of the National Planning Policy Framework which confirms the statutory position that planning enforcement action is discretionary.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The number of enforcement enquiries (new cases) received by the Council continues to remain high and is consistent with the number of cases received in previous years.

6.2 The recent recruitment of officers within the team has resulted in workloads becoming more manageable for officers and has resulted in the elimination of the previous backlog within the service. The demand for enforcement action still remains high and the resources available will be closely monitored.

7.0 RELEVANT RISKS

7.1 There are risks that Enforcement Notices are subject to challenge by way of appeal to the Planning Inspectorate.

7.2 The above risks can be mitigated by ensuring that:

- (a) enforcement activity is carried out having regard to the provisions of the development plan and other material considerations; and
- (b) the justification for issuing an enforcement notice is set out in a clearly reasoned report.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

9.1 The Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The aim of planning enforcement is to secure the lawful use of land that is the subject of suspected breaches of planning control.

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BACKGROUND PAPERS

Council Enforcement Policy
Planning Enforcement Policy

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	27 th July 2023
Planning Committee	9 th February 2023
Planning Committee	13 th October 2022
Planning Committee	10 th February 2022
Planning Committee	14 th October 2021
Planning Committee	15 th July 2021

APPENDICES

Appendix 1- List of formal notices served:

Enforcement Notices

Register number	Address	Date Issued	Breach
679	Land at 16 Penkett Road, Liscard, Wirral, CH45 7QN	03 October 2023	Without planning permission, unauthorised erection of a large timber outbuilding forward of the principal elevation
680	Land at 66 Town Meadow Lane, Moreton, CH46 7TB	3 rd October 2023	Without planning permission, operational development comprising of the erection of a timber fence with concrete posts and concrete base, around the front and side garden of a height exceeding 1 metre adjacent to a highway used by vehicular traffic
681	Land at Royal Air Forces Association ("RAFA") Club, Alton House, 17 Shrewsbury Road, Oxton, CH43 1UU	5 th October 2023	Without planning permission, operational development comprising of the siting of a metal storage container on the Land