

Planning Enforcement Scrutiny Presentation March 2022

James Wagstaff – Head of Enforcement, Householder &
Technical Services

Mark Franklin – Principal Enforcement Officer



Making a positive difference every day to people's lives



Introduction

Why are we here today?

- Scrutiny Review
- General background to planning enforcement

The Team

- **James Wagstaff** – Head of Enforcement, Householder & Technical Services
 - Mark Franklin – Principal Enforcement Officer
 - 1x Acting Principal Enforcement Officer
 - 8x Senior Enforcement Officers (2x part time)
 - 1x Enforcement Officer
 - 1x Graduate
- **1213 live cases**
- **Core cities**

Managing the workload

- The enforcement process:
- Section 55
- Permitted Development

Expediency

■ Section 172(1)

- (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

■ Expediency Test

- Whether the breach is in accordance with the policies of the Local Plan
- The breach against any other material planning considerations.
- Whether had a planning application been submitted before the development occurred, permission would likely to have been granted....

Expediency test continued

- Whether the breach unacceptably affects public amenity.
- Whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest.
- Whether action would be proportionate with the breach to which it relates.
- Whether action would be in the public interest....

What is harm?

- Significant
- Residential amenity
 - Noise
 - Disturbance
 - Loss of light
 - Loss of privacy
 - Visual impact
- Highway safety
 - Increased traffic & parking problems

Number of cases closed in 2021

Closure Reason	Number of Cases
Not expedient	394
Negotiated solution	830
Breach ceased	96
Not a planning matter	107
Permitted development	317
Planning permission obtained	166
TOTAL	1910

Common Notices

- Planning Contravention Notice (PCN)
- Request for Information Notice (S330)
- Enforcement Notice
- Breach of Condition Notice
- Section 215 Notice

Notices issued 2021

Notice Type	Number Issued
Planning Contravention Notice	20
Request for Information Notice	34
Enforcement Notice	40
Section 215 Notice	2
TOTAL	96

Timescales

- Timeframe to take action 4/10yr rule
- Timeframe to register a case, allocate, visit and make assessment
- Timeframe for notices
- Timeframe for appeals
- Timeframe for Court

Birmingham Local Enforcement Plan (BLEP)

- Approved by Cabinet May 2020
- Full consultation
- Explains the entire process
- Identifies challenges
 - HMOs
 - Heritage and historic environment
 - Protect amenity
- Included to read as part of the complaint form

Pressures

- Historic case load
- Significant number of live cases
- Number of complaints being received
- Lack of experience on team
- Requires a systematic approach to manage the workload

Success

- BLEP – first for Birmingham
- Statistics
- Proceeds of Crime
- Management of team (North/South 2x managers)
- Customer Service Complaints – Stage 1 & 2 & Ombudsman
 - Data from 2019 to present = 88 customer service complaints, 0 Ombudsman
 - 6 justified – 4x communication, 1x service quality, 1x procedure
 - Context – 9380 interactions = 0.9%
- Judicial Review = zero

Improvements

- Reducing the caseload
 - Historic high case numbers
 - At source
- Updating enquirers
 - Backlog is restrictive, as we can demonstrate a first class service when an urgent matter is brought to our attention or something has been overlooked i.e. same day response to emails with update and next day visit and notice if necessary

Future

- White paper
- SEA
- Field Worker Program
- NWOW

