

Report to Economy and Place Scrutiny Committee

24 September 2026



Enforcement and Planning Performance

Lead Member:

Cllr Jonathan Gullis – Leader & Cabinet Member for Planning & Town Centres

Lead Officer:

Rachel Killeen – Interim Head of Service – Development Management

Key Decision: No

Ward(s): All

Appendices: Not applicable

Report Assurance:

	Name	Date
Lead Officer	Rachel Killeen	11/9/26
Section 151	Craig Turner	11/9/26
Cabinet Member	Jonathan Gullis	16/9/26

Report Summary

This report provides information on planning enforcement performance for the past 12 months and performance information on the speed and quality of decisions on planning applications for Q1 of 2026/27. It concludes that enforcement performance has significantly improved over the past 12 months and that planning performance continues to be very good in terms of speed of decision making. It does highlight however, that the quality of decision making for Major applications is below expectations in that more than 10% of the authority's decisions have been allowed at appeal.

Recommendations

- i. That the Committee notes the improved enforcement performance and the continued strong performance in the speed of determination of planning applications.
- ii. That the Committee notes the position regarding the quality of Major development applications and the importance of making robust and defensible decisions.

1. Background

- 1.1. A report setting out details of the resources employed by the Council as regards implementing the current Enforcement Plan and related performance was presented to this Committee at its December 2024 meeting. It was agreed that a report on planning enforcement performance should be brought back to the Committee annually. In addition, at the last meeting of this Committee on 18th June, a standing item on Planning Enforcement and Performance was also requested.
- 1.2. Despite the requirement for developers (including householders) to secure approval for development through the appropriate planning legislation, there are instances where development occurs which does not have the required approval. This can be where approval was not sought in the first place or where it was but the actual development that has taken place does not conform with the permission granted. In these circumstances, work is unauthorised and as such the Local Planning Authority (LPA) can consider whether enforcement action is necessary to remedy any breach that has occurred.
- 1.3. Whilst the Council has a range of powers to enforce against unauthorised development, the National Planning Policy Framework (NPPF) and the supplementary Planning Practice Guidance (PPG), state that enforcement action is discretionary and furthermore LPAs should act proportionately in responding to suspected breaches of planning control.
- 1.4. To inform their assessment of cases and any actions they take, national guidance advises that Councils approve and adopt a planning enforcement plan setting out their approach to enforcement matters for the benefit of residents, communities, business and the development industry. The Council approved a revised and updated Enforcement Plan in November 2023.
- 1.5. In relation to the determination of planning applications, the Government has a system of designation of poorly performing planning authorities. Each LPA is measured on both the speed of determination, and the quality of decision making as demonstrated by appeal performance.
- 1.6. For the speed of determination of planning applications, the threshold for designation as an underperforming authority at the end of the reporting period is where less than 60% of 'Major' applications have been determined within a 13-week period or such longer period of time as might have been agreed with the applicant. For 'Non-Major'

applications (all 'Minor' applications plus 'Changes of use' and 'Householder' applications) the threshold is where the Council has failed to determine a minimum of 70% of its applications within an 8-week period or such longer period of time as might have been agreed with the applicant.

- 1.7. The threshold for designation with regard to the quality of decisions is where 10% or more of the authority's decisions are allowed at appeal. Therefore, in this instance the upper limit is 10%.

2. Purpose

- 2.1. Enforcement activity is carried out by officers in the Council's Development Management team based in the Planning Service. There is a dedicated Planning Enforcement Officer engaged 100% of their time, supplemented by Planning Officers who carry an enforcement caseload alongside their normal planning applications workload.
- 2.2. In the 12 months from 1st September 2025 to 31st August 2026, 302 enforcement cases were reported to the Council. Of those cases, 162 have been determined not to involve any (or a significant) breach, in 11 cases it was deemed not expedient to take any action, 52 generated a requirement for a retrospective planning application to be submitted and 23 required steps to be taken to rectify a proven breach. A further 42 cases require further investigations by officers and 12 cases have no decision recorded.
- 2.3. Of the 42 cases requiring further investigation, since 31st August, 13 have been closed, 2 planning applications have been approved to remedy a breach, and 1 planning application is pending consideration, leaving 26 cases. Of those cases, 16 are relatively new, dating back to the most recent quarter and only 2 date back to 2025. Discussions between officers and applicants continue, with a view to bringing these cases to a resolution as soon as possible.
- 2.4. For the 12 enforcement cases where 'no decision' is recorded, officers are working hard to progress matters, but the issues are often complex and protracted.
- 2.5. Within the period, 4 Enforcement Notices have been issued. Issuing such notices is very much seen as a last resort after identifying breaches and seeking to negotiate a satisfactory solution with the offending persons in question. That said where it is felt that this option needs to be taken it will be and warnings have been issued to parties. In preparation for the serving of notices, the Council has engaged expert legal support to advise on the correct drafting.
- 2.6. The threat of taking formal action can assist in discussions with people who have breached planning control, and this is noticeable in the figures in paragraph 2.2 above where offenders have been encouraged to rectify unauthorised development and/or submit retrospective applications to regulate what has occurred.
- 2.7. The approved Enforcement Plan sets out performance targets and there is a Planning Enforcement Key Performance Indicator (KPI) which relates to percentage of complainants informed within the required timescales of any action to be taken on alleged breaches of planning control. The target is 75% of cases within the stated timescales.
- 2.8. For the year 2025/26, performance overall was 68.1%. In Q1 and Q2 of that financial year, the respective performance figures were significantly below the target at 48.9% and 50.5% respectively. There were a number of factors to explain these figures, but it was primarily pressures on planning staff to deal with often complex and time-consuming enforcement cases alongside managing day to day planning application

caseloads. Service Managers identified actions that could be taken to improve performance and, in Q3 and Q4 of 2025/26, the respective performance figures were 88.2% and 82.4%. Performance in Q1 of 2026/27 was 76.9% so performance continues to exceed the target of 75%.

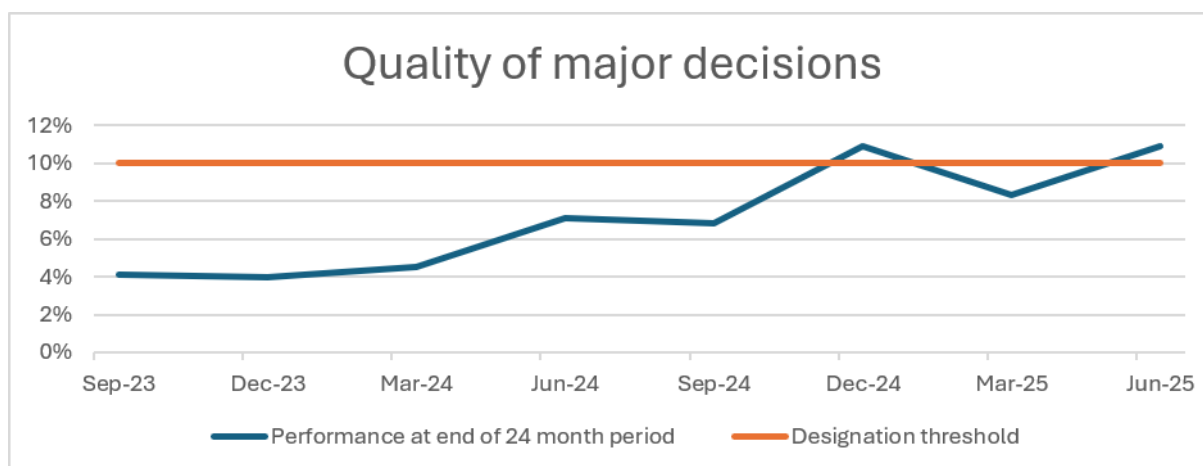
- 2.9. The level of enforcement cases reported to the service remains high, highlighting both the need on the part of the Council to monitor development activity in the borough but also the keen interest that residents and communities have in ensuring that their local environments are maintained and not impacted by unauthorised works. Upholding the integrity of the planning system and having respect for the wishes of local communities is important. It is vital that the Council, through its enforcement powers, demonstrates to developers that they must comply with legislation and that they should not seek to undermine it nor ignore wider public interests. The Council's Enforcement Plan signifies the importance that members place on this matter and this report displays delivery against the objectives set out in the plan.
- 2.10. Turning now to planning performance against the Government's national performance indicators. For Q1 of 2026/27, the Council's performance is as follows:

Table 1

	Designation threshold	Result Qtr. 1 2026/27
Speed of major development applications	Less than 60%	100%
Quality of major development applications	Over 10%	10.9%
Speed of non-major development applications	Less than 70%	94.2%
Quality of non-major development applications	Over 10%	0.6%

- 2.11. The Council is therefore clearly well above the threshold for designation in terms of speed of decisions. For quality of decisions, the Council is well below the upper threshold of 10% for designation with regard to 'Non-major' applications with a figure for the quarter of 0.6%. However, for 'Major' applications, the figure is 10.9% which exceeds the threshold of 10% or more of the authority's decisions being allowed at appeal.
- 2.12. The measure used by the Government for quality of decisions is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period. The nine months enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. Over the current 2-year assessment period, the Council's performance against the designation limit of 10% has been as follows:

Figure 1



- 2.13. Designation is not triggered by being above 10% in an individual quarter or a specific number of standalone quarters. Instead, an LPA becomes eligible for designation where the average figure for the 24-month assessment period as a whole exceeds 10%. Although the Council has exceeded the 10% target in 2 of the 8 quarters in the 2-year period, the average figure for the period is 7.1%.
- 2.14. Unfortunately, when a relatively low number of major applications are being determined, as is the case for this Council, it only takes a small number of those decisions to be overturned at appeal, for the threshold to be breached. This makes it especially important for the LPA to make sound planning decisions that accord with the Development Plan and if refusing a grant of planning permission, that the reasons for refusal are robust and can be substantiated with evidence.

3. Strategic Approach

- 3.1. Timely and quality decision making in the determination of planning applications and the use of planning enforcement powers in accordance with the Council's Local Planning Enforcement Plan, aligns with the Council's strategic priorities as set out in the previous Council Plan 2022-26, and will also contribute to the new draft objectives currently under development for 2026-2030.

4. Finance & Resources

- 4.1 There are no financial and resource implications arising from this report. Work is being delivered within existing approved staffing and service budgets, including legal support where required.

5. Legal & Governance

- 5.1. The principal legislation underpinning planning enforcement is enshrined in the Town and Country Planning Act 1990 and related amendments although other associated legislation does also apply in certain areas/forms. The main policy guidance is set out in the National Planning Policy Framework and related National Planning Policy Guidance.

6. Supporting Information

6.1. None relevant