a stitch in time
managing planning enforcement
executive summary

Enforcement has been described as a ‘Cinderella service’ – one that has not attracted adequate attention or resources. Backlogs of casework have built up in some areas, with unresolved cases running on for years. Authorities have variously attributed the cause of these delays to:

- a lack of resources invested in the enforcement function relative to other more easily measured and less overtly discretionary functions
- a shortage of people with appropriate knowledge and skills
- rising numbers of complaints as the community become more aware of planning control as a means of shaping their communities.

One of the challenges to building an effective enforcement service lies in reconciling the disconnection between the resources available and the high profile that a failure to enforce against bad development has.

The CLG’s ‘Review of Planning Enforcement’ published in November 2006 raised the profile of enforcement and reinforced the fact that an effective enforcement function was essential to a credible planning service. The review included several recommendations that are designed to enhance the priority given to this part of planning.

This publication shows how a number of councils are responding to the challenge of integrating the enforcement activity more firmly into the business planning of the whole planning service. In successful
planning services, enforcement is not an isolated activity responding only to failures in planning control. It is part of a development management activity to deliver good community outcomes in line with the LDF core strategy. To achieve this enforcement must be actively managed and draw on good partnership relations with other services within the councils.

The headline changes that have made the difference in many councils have been very similar:

- the establishment of an agreed policy framework for enforcement which is endorsed by members and which members themselves agree to abide by.
- a charter for planning enforcement which sets out a formula for prioritising casework.
- the introduction of better management arrangements, including performance standards and information systems, and regular progress reports.
- the allocation of sufficient resources, with due attention to staff numbers, salary grades, career structures and training.
- a more pro-active approach, including monitoring developments for compliance with approved plans and conditions and negotiated solutions, leaving confrontation and prosecution as a last resort.
- a closer working relationship with the council’s legal team, including regular meetings and a shared database.
- a greater awareness of the interests and expectations of others, including magistrates and the planning inspectorate, and a recognition of the need to promote the value and success of the service.
conditions for success

policies and priorities

Effective planning enforcement is a key activity in ensuring that the strategic vision is not undermined by inappropriate or prejudicial development, and therefore one of the overarching considerations around enforcement action should be an assessment of impact on the LDF and SCS objectives.

The policy context will also inform the choices to be made in regard to the allocation of resources to enforcement as well as other planning functions, both in terms of customer expectations and the delivery of desired outcomes for the community.

Senior officers and members must be involved in the development of enforcement policies and through them the establishment of priorities. A clear policy statement is a way of managing expectations, and everyone (including members) has an important role in seeing that it is respected and that the enforcement team can go about its business in a purposeful and efficient way.

Without this the enforcement team can come under pressure from councillors or the public to address complaints that are not always deserving of immediate attention.

North Somerset District Council has its ‘Policy on Planning Enforcement’ on their web-site (http://tinyurl.com/245tsu). The first section of the policy sets out some clear and unambiguous priorities based on risk analysis framework – high priority casework relates to unauthorised demolition or alteration of buildings or work to trees that are subject to protection and any other development that causes irreversible harm. The second priority relates to impact on the amenity of residents, on important landscapes, the number of people affected by the alleged breach (as measured by the number of complaints received). The lowest priority relates to unauthorised work that would be likely to receive planning permission or would be unlikely to require it.
The policy statement describes the decision-making process and makes it clear that action will only be taken when it is considered expedient to do so, since enforcement action is discretionary in law. It explains who takes the decision and how, describing the factors that will, and those that will not, influence its judgements. It also sets out targets for completing investigation of the complaints for each type of priority.

This type of policy is useful as a framework to manage the flow of work coming into the office. It allows officers to determine the most expedient and proportionate course of action in the circumstances of the case and most importantly it provides a transparent allocation mechanism that keeps both members and the community clear on the process to be followed. Not all breaches warrant the officer time and cost of follow-up action, particularly if the alleged breach is minimal. If it is decided to take action of some sort, the policy provides guidance as to which course of action is proportionate to the extent and consequences of the breach. Furthermore it explains that there are sound reasons why the planning authority might use its discretion to ‘under-enforce’ in some instances.

**Clear process and timetable**

It is a common complaint that the enforcement system is extremely slow, and offenders are able to continue their unauthorised activities, sometimes for years after a complaint has been made. However, from the receipt of a valid complaint to the commencement of formal action, the rate of progress of the case is within the control of the local planning authority. It has the power to set the timetable and compliance period, and should not be deterred by a transgressor’s delaying tactics.

One of the strengths of the approach taken by North Somerset is the link between priority and urgency. A ‘high priority’ case will be inspected on the day of complaint – the ‘lowest priority’ may take up to 21 working days.

Because of the different options and courses of action that exist, enforcement procedures as set down in a manual can be complex. For this reason flow charts are a helpful way of setting out
procedures. A comprehensive set of enforcement procedures are described in a series of flow charts and work instructions developed by Stockport Metropolitan Borough Council. They include an over-arching enforcement flow diagram (see appendix) that identifies all the possible routes that a case may take from receipt of complaint to case closure.

This is supplemented by another 13 flow charts that provide more detailed instruction for key stages such as ‘formal planning enforcement action’ or ‘prosecution proceedings’. They also include diagrams relating to each of the six courses of action that follow from prioritising a case in line with the council’s planning enforcement policy. These supplementary charts make it clear who does what and where specific responsibilities and formal delegations rest.

**sufficient resources and tools**

Active management arrangements are the foundation for an accurate allocation of resources. It is important that both members and managers understand that the identification of priorities is important to manage the flow of work, but the resources and tools committed to enforcement need to be sufficient to respond to priority work or the credibility of the system will fail.

In most situations a dedicated enforcement team is preferable to the enforcement function competing for attention within a development management team. This allows the discretionary nature of enforcement to avoid being over-ridden by the priorities of planning applications and their handling time targets. This can be achieved while preserving strong communications between teams and allowing staff rotation to promote cross-skilling. It is critical for the effectiveness of the whole planning service that links between the enforcement work programme and the delivery of the development management function are fostered and encouraged. Enforcement should be acknowledged as delivering corporate objectives, and business planning should ensure that the various activities are aligned to the same objectives.
Whilst there are benchmarks that can be used to gauge the right staffing levels, (a figure of 150 live cases per enforcement officer is a figure commonly used) these are no substitute for a well-argued business case. This will be based on a projection of casework, a policy for response times, and performance targets for enforcement staff. The business case will also examine the benefits to the community. The costs of the service may be offset slightly by retrospective and deemed planning application fees (and fines from successful prosecutions, if recommendation 6 in the CLG review of enforcement is implemented).

A proactive enforcement team that takes direct action to deal with unauthorised advertisements and flyposting, or to remove eyesores and clean up properties under section 215 powers (untidy land), needs to have access to a budget for this work. **Doncaster Metropolitan Borough Council** has an amenity protection team within its enforcement unit, with a budget for direct action to secure empty and derelict houses in targeted regeneration areas.

Another essential is an efficient database and information system. Officers need to be clear that the corporate or planning service system also meets the needs of the enforcement service. There are a significant number of computer-based information systems competing to provide services to local planning authorities. Judging by the critical comments of many enforcement officers their function is not well-served by these systems, or it may be that their organisation fails to exploit their full potential. **Newcastle City Council** has developed its own ‘planning enforcement integrated software solution’. This enforcement database is designed to run alongside their corporate system. It uses the standard enforcement module for logging all the main details of an enforcement case, but takes that information further and allows officers to log additional detail. It is a powerful tool for officers to manage their own workload, for the evaluation of team performance, and for the production of statistics, reports and comparison with charter standards. Newcastle is now planning to market this system to other authorities to recoup the development costs.
‘Our ICT systems have become an integral part of everyday enforcement life and enable planning enforcement officers push-button access to live information enabling them to better manage their work. As team leader, the systems provide me with a holistic view of the team in the past, present, and to a certain extent, the future. The sea of information is condensed into meaningful reports, graphs and charts available at my fingertips. They are enabling us to better focus our resources, prioritise our work, measure our performance and forecast trends. Without them we’d be fumbling in the dark.’

Darren Ridley, Monitoring and Enforcement Team Leader, Newcastle

There are many other procedural initiatives that are not specific to enforcement, but that will generally speed up response times.

Bradford Metropolitan District Council channels all incoming phone calls through a call centre. This, linked with a reliable call-back system, allows enforcement officers to work more efficiently by cutting down interruptions and enabling better time management. Bradford has also developed a suite of standard letters that are now shared with other authorities through the Yorkshire enforcement forum. The addition of an administrative post to the enforcement team at Bradford has enabled the enforcement officers to devote more of their time to investigations.

performance management

Authorities commonly set target times for carrying out a site visit following receipt of a complaint. For example North Somerset District Council measures itself against the site visit targets and knows it succeeds in 70 per cent of cases.

Kerrier District Council also sets target times according to casework priorities, and with target percentages set for each. The published targets are:
• 90 per cent of high priority cases to be visited within one working day

• 75 per cent of medium priority cases to be visited within five working days

• 60 per cent of low priority cases to be visited within 10 working days

Targets may also be set for completing the first phase of the investigation, and for the closure or resolution of cases. Kerrier aims to resolve 65 per cent of cases within 13 weeks. North Somerset aims to complete the initial investigation within eight weeks. Whilst there will be some variation in performance targets relevant to local circumstances, it is important that a balance is struck between a level that is challenging and motivating, but is also realistic and doesn’t unduly raise public expectations. It is important that enforcement targets should also relate to the planning service objectives in order to ensure a corporate response to workload.

**customer focus**

Well-managed enforcement teams spell out in their policy statements or customer charters what the public is entitled to expect from them and how they have performed. They also undertake surveys to obtain feedback on their perceived performance.

**Birmingham City Council’s** ‘Planning Enforcement Charter’ tells the reader what they can complain about, how to complain, what happens to their complaint, what happens if someone complains about them, what formal action is, and how long it will take. It also refers to the procedures to follow via the council or the ombudsman if one is dissatisfied with the service received. This is a very short and straightforward leaflet that avoids going into all the complexities of the enforcement process or setting out council policies and priorities. It is written in commendably plain language with short sentences and a complete absence of technical jargon.

**Stockport MBC** has undertaken two customer satisfaction surveys in 2003 and 2006. Views were obtained across a range of
investigations, from cases where no breach of planning control was found, to cases where the matter may have taken a long time to resolve.

The eight key questions were carefully phrased to make it clear that the customer was being asked about the manner in which their complaint was handled – not whether they were pleased with the outcome. The questions relate to the way the complaint was acknowledged, the clarity and timeliness of correspondence from staff both by phone and face-to-face, the convenience of office hours and meeting rooms, and the way in which the final outcome of the investigation was presented and explained.

The return rate of 63 per cent indicates that the questionnaire was well designed and easy to use. The 2006 survey recorded an 18.5 per cent increase in satisfaction with the way that complaints are acknowledged over the 2003 results. This is probably because the enforcement team introduced changes in practice as a direct result of the first set of results. These changes improved the information provided, especially in relation to timescales, and made people aware of the council’s planning enforcement policy. Stockport has sensibly included an invitation to respondents to offer suggestions for improving the service.

working with others

members

Some councillors do not appreciate the complexity of enforcement procedures, and others may not realise that enforcement is discretionary. Given that an efficient service is one that sets priorities and has an eye to expediency, it is important that members are involved in the formulation and operation of the council’s priority system.

Member training is therefore a sound investment, and this may be best done in-house where local case histories can be used to breathe life into a complex technical subject. Selby District Council has extended their training initiative to parish councillors
as well. This has helped to manage expectations and made councillors appreciate the limitations of the legislation. It also helps them to understand the information required when conveying a complaint and why they should use the standard pro-forma.

Selby went further and set up a planning enforcement sub-committee. It meets bi-monthly, in private, and exists to set policy rather than take decisions. It is a useful forum to share the stresses and strains around high profile cases. The committee recently set timescales for handling different types of breach and oversaw the preparation of a leaflet publicising these targets.

Selby’s sub-committee also considers cases that are difficult to crack, or those where the officers feel it is not expedient to pursue action. Although most courses of action are delegated to the principal planning officer, it is nevertheless helpful to have members’ backing when deciding not to pursue something that is locally contentious.

It is good practice to provide planning committees with regular monitoring reports that record enforcement performance against targets, levels of casework, outputs, numbers and type of notices served and numbers of cases resolved. Kerrier’s members receive quarterly monitoring reports followed by an annual report reviewing the past year and looking to the year ahead, adjusting targets or policies where necessary. Bolton has taken this concept further and uses new technology to keep members engaged.

‘Our enforcement blog at Bolton acts as an effective interface with members to publicise the work we do on their behalf. Each officer details about a dozen of the more interesting cases they are dealing with. This includes a short paragraph of text and pictures including, where applicable, before and after shots.

‘Feedback has been really positive and we believe this is a valuable means of providing a
window for members to see our service in action on the ground.’

Graeme Mitchell, Group Planning Officer, Bolton

legal services

The timeliness of serving notices and the effectiveness of formal action depends on good working arrangements with the council’s legal team.

In Kerrier, enforcement officers and legal officers hold a series of regular liaison meetings in addition to day-to-day contact on case work. Fortnightly meetings are held to consider and review a small number of high profile cases. Monthly meetings take place to prepare and agree a joint report to committee on the progress of authorised proceedings. At these meetings, new advice and procedures, cases of special interest, and prosecutions are also examined and discussed.

The Stockport enforcement team has a service level agreement (SLA) with the legal team (which includes three planning and highways solicitors plus their team leader). The SLA includes a 21 day maximum time to serve an enforcement notice (although most are done in three days), and 28 days to launch a prosecution. The same legal officer will normally take a case through all its stages.

Stockport’s enforcement and legal teams share a common computer database. This enables enforcement staff to input information into draft legal documents and letters, which are then checked out by a solicitor before dispatch. This allows a one hour turn-around time for serving many notices.

magistrates

Planning and enforcement officers often complain that the fines imposed by magistrates are not sufficient to act as a deterrent to offenders or justify the effort involved in pursuing a prosecution and this is too often used as a reason for not pursuing enforcement action to completion in cases where the offence is ongoing despite enforcement notices. Rather than simply complaining about the situation, enforcement officers in the
south west decided to work with their local magistrates to assist their assessment of the prosecution of offences under planning legislation.

The Federation of South West Enforcement Officers, representing Somerset, Devon and Cornwall, produced a publication ‘Courts and the Planning System’. Following a brief explanation of enforcement law, the guidance uses the advice of magistrates to explain the adverse consequences of adjournments and inadequate penalties.

It spells out in some detail the responsibilities on those prosecuting planning offences to highlight the reasons why an offence passes the public interest test and why Parliament made such offences criminal ones. The prosecution should outline the steps taken to obtain compliance, identify the level of guilt (whether deliberate or negligent) and assess the gravity of the offence. This includes the extent of ‘illegal’ profit and the impact on the public and the environment. Following conviction the prosecution should point out the maximum penalties prescribed by law and the other sanctions available, and set out the prosecution costs.

The guide is very clear about the material to be included in written statements which become of paramount importance in the event of a guilty plea when the issues cannot be drawn out in cross-examination. Whilst the guidance may have been written by planners for magistrates, it is of great value to those involved in preparing and presenting a case for prosecution.

The CLG ‘Review of planning enforcement’ promises a good practice guide to assist magistrates when dealing with enforcement cases. Until then, the SW Federation publication offers the best guidance available.

local businesses

It is a fair assumption that, if they fully understand the law, most people will choose to abide by it. Therefore by providing clear guidance about planning law and process, there should be fewer offences committed and a lighter workload for enforcement teams. With this principle in mind, planners in Westminster City
Council produced, in conjunction with the Paddington Business Improvement District, a helpful booklet for distribution to small businesses and retailers operating in the area. It concentrates on minor changes such as signs and shop fronts. The area has traditionally been subject to relatively high levels of enforcement. By showing what proposals should look like in order to comply with planning policy, businesses should benefit by avoiding expense on signs that subsequently have to be removed. The document is available at http://paddingtonbid.co.uk/pdf/Planning_Guide_06.pdf

other agencies

Some local authorities have established cross-departmental or multi-agency teams to tackle the management of streets holistically. This provides planning enforcement officers with the opportunity to work alongside highway officers, for example, to use their powers in a complementary way to deal with signs on the highway and other misuse of public space. Similarly planning officers working with environmental health officers can deal with unauthorised licensed premises.

In the East Riding of Yorkshire Council, planning enforcement officers undertake joint patrols with the highway section’s ‘street scene’ enforcement officers. Patrols look out for obstructions on the highway, illegal signs, fly tipping and litter, and decide whose powers are most appropriate to tackle the problems encountered. Many of the problems are resolved through discussion with those causing the offence when they understand the council’s powers. Patrols are targeted at prominent roads such as the A63/M62 link between Beverley and Goole where action proved highly effective in removing large trailer signs. Police participation was critical in helping collect evidence on these unauthorised advertisements located alongside the motorway.

There are similar collaborations at Bradford MDC with enforcement officers working in the fields of licensing, environmental health (for dealing with empty properties and serving Section 215 notices) and liaising with ASBO teams who may know the identity of people involved in unauthorised
businesses like car repairs. Bradford’s enforcement team also has excellent co-operation from the police who provide advice and discreet back-up when an enforcement officer has to visit a risky location. Because enforcement officers can become the target of threats and reprisals, staff in Bradford take care to see that their home phones are ex-directory, and the police arrange for their car registration details to be removed from any accessible records held by the DVLA.

In London Borough of Camden a joint task force on licensed premises has been established to provide cross borough liaison between the various local authority enforcement teams in planning, licensing, environmental health, street management, noise and food safety together with the metropolitan police. A team of inspectors are employed by licensing work to the task force. These officers receive a degree of specialist training from the various functional groups and provide an all hours inspection service to respond to complaints from the public. Inspection reports are considered by the task force and coded to reflect the need for involvement of each function in providing information and support. The approach allows for a more active management of troublesome premises. It has also been employed to support the introduction of new initiatives such as the smoking ban.

development of enforcement services

acting together

The CLG Review of Enforcement recommends that groups of enforcement officers should be set up to act as a forum for the dissemination of best practice. At a national level, the establishment of the National Association for Planning Enforcement (NAPE) has provided leadership and support for enforcement officers across the country, helping them to forge a collective identity, share ideas, and overcome the isolation that can arise amongst small specialist teams within large organisations.
Regionally the Federation of South West Enforcement Officers was set up nearly 20 years ago to share experiences. This now has a membership of 50, representing authorities in Somerset, Devon and Cornwall (with occasional participation from staff in Wiltshire, Dorset and Gloucestershire). The group meets twice a year at different locations, and their £5 membership fee helps them to meet the expenses of visiting speakers who are invited to address them. The Southern Enforcement Officer Group (www.seog.e-planning.co.uk) has been run for a similar length of time by a keen group of volunteers.

Another local group is the Greater Manchester Planning Enforcement Officers Forum. This operates a benchmarking scheme among its 10 members with a shared set of best value performance indicators. It also manages a training programme for its membership delivered at modest cost. A recent example was a training programme on Police and Criminal Evidence (PACE) procedures covering site interview techniques and interviewing under caution. These regional groups are an excellent source of practical advice, templates and allow authorities to recycle each others work.

The enforcement forum on the Planning Advisory Service website (www.pas.gov.uk/discussions) is a further source of support and information sharing.

pre-empting problems

There is recognition amongst more progressive enforcement officers that the impact of enforcement should be to secure compliance, not just deliver successful prosecutions. Sometimes skilful negotiation is the most effective use of resources.

Modern enforcement needs procedures to pre-empt problems occurring. In Kerrier, through liaison with building control, enforcement officers are notified when building works start on site. In cases where planning permission has been locally contentious, it may be critical that the height or plotting of a building, tree protection or some refinement (possibly the subject of a planning condition) is precisely adhered to. In these
circumstances, the enforcement officers monitor work on site to forestall errors that, once built, are more difficult to address.

**direct action**

Enforcement officers are also becoming proactive in dealing with local problems through direct targeted interventions. The enforcement team at Doncaster is working alongside other departments in housing renewal areas to tackle the problem of empty run down property affecting the morale of the local community. The worst streets in the worst areas are targeted first, with a programme of 40 properties per quarter.

Largely using Section 215 powers, the team contracts the council’s Direct Labour Organisation to clear away rubbish from gardens, cut back overgrown vegetation, deal with external repairs of a minor nature, including making doors and windows secure – generally giving the houses a lived-in and cared-for look. This has a beneficial effect on the neighbourhood, and often attracts interest and purchasers for these previously neglected houses.

The process begins with a letter to the owner, followed by a notice which in turn is followed by legal proceedings or direct action. The cost of any direct action works are recovered through a local land charge on the building (unless owners pay up – which many do). The police are advised when work is due to start and attend to ensure that no one puts up resistance (which would be treated as a breach of the peace). In Doncaster’s experience, subsequent vandalism at improved buildings has been very limited.

Another example of a pro-active approach is the removal of advertising from motorways and major roads. This activity is covered in the PAS case study ‘Blots on the Landscape’.

**publicity**

Direct action should be accompanied by consideration of the media. In almost every circumstance it makes sense to present the facts via a press release. ‘Positive use of the media ensures that the general public is aware of the enforcement system and can actually see it working’ notes Des Simmonds at East Riding ‘It also makes
future offenders think twice’. Establishing the facts at the outset helps when the perpetrator attempts to play the ‘sympathy’ card.

The experience at Stockport suggests that publicity can have a dramatic effect on peoples’ behaviour:

‘I have found that publicising prosecutions delivers an immediate drop in breaches with a corresponding increase in requests for advice from members of the public. This follows many years of demonstrating a serious approach to enforcement in Stockport.

‘For example, in the late nineties we had a problem with works to protected trees. Some cowboy operators felt that they could fell or lop the trees with impunity. We carried out twenty prosecutions over a six month period, and having obtained substantial fines in all cases publicised each one in the local press. Even the cowboys got the message that flouting tree preservation orders in Stockport leads to a costly prosecution. As a result tree matters fell almost immediately to one or two per year. In fact my latest enforcement officer has been in place for 12 months and not even had a sniff of a tree job.’

Dave Westhead, Senior Planning Enforcement Officer, Stockport.

Publicity can also alter the mix of work. Doncaster have a policy to actively notify the press whenever there is direct action. ‘As a consequence our s215 work has doubled over the last three years’ notes Don Sorby ‘The public have seen our work in the press and feel confident ringing in with their reports’.

**staff rotation**

Whether enforcement officers are stationed within development control area teams, or sit together as a separate enforcement section, their working relationship with other planning staff is critical. A good understanding of each other’s work is essential. The CLG ‘review of planning enforcement’ recommends that the
‘staff should be encouraged to rotate between all aspects of development control including enforcement. This would ensure that enforcement is understood by all planning staff.’

An area where co-operation and shared knowledge is particularly beneficial is the drafting of planning conditions. Poorly drafted conditions can present difficulties for enforcement officers. At Calderdale District Council close liaison between development control staff and enforcement staff takes place to ensure that possible conditions are enforceable. Furthermore, development control officers deal with cases which relate to a breach of planning conditions or planning permission. This is to broaden their knowledge of the enforceability of planning conditions. The team leader for enforcement attends all of the DM team leaders meetings and runs courses for DM staff on enforcement. In Bradford MDC the legal section provides training for planning staff in the drafting of enforceable conditions.

Similarly, enforcement officers should sometimes take on responsibilities beyond their core role. In some authorities such as The Lake District NPA, any planning application generated by enforcement action is processed by the enforcement officer. These arrangements can expand the skills base of the staff and enhance career structures.

staff value

Recommendation 7(c) of the CLG review states that ‘There should be a common salary scale for all planning staff. Currently enforcement officers tend to earn less than other planning/development control officers’. Recommendation 7(a) states that ‘Enforcement staff should have a career structure’.

Enforcement services have historically drawn their staff from a variety of sources – some are fully or part-qualified planners, others are from a more traditional ‘regulatory services’ background. The head of department needs to ensure that inequalities around pay and career do not prejudice the strength of their enforcement service.
Recommendation 7(d) in the CLG review advocates better training, including a specialist qualification in planning enforcement. Cambridge University (and accredited training organisations) run an established course ‘certificate of continuing education in planning enforcement’. Some students use this qualification towards achieving RTPI technical membership.

‘The skills, knowledge and confidence gained from the qualification have helped me on a day to day basis especially in dealing with planning agents and when arguing with my own planners that they are wrong.’
Dave Westhead TechRTPI at Stockport.
case studies

Kerrier District

In 2005 Kerrier District was struggling with a backlog of 1597 unresolved enforcement cases. Within two years of the introduction of an improved management regime, it had reduced the number of live cases to 650, with a targeted equilibrium of 600 active cases for its team of four enforcement officers. Cases are now prioritised on receipt of the complaint, allocated to an officer, and acknowledged within 3 days.

The number of planning contravention notices served has also been falling, reflecting improvements in initial communication with developers and routine site visits. This often results in issues being resolved before notices are required. Sites are visited on a regular basis where there has been commencement of a contentious development.

The outcome of enforcement appeals in the district is also being carefully monitored. The lessons learned include the importance of gathering and testing evidence to ensure that it will withstand close examination on appeal, and the importance of ensuring that the planning issues that support the case are consistent with national guidance.

The enforcement team leader and principal planning officer meet with town and parish councils for an exchange of views and improved understanding. This results in regular updates on case progress, more information given on why action is not being taken, publicity for successful cases, and has led to more customer-friendly letters advising of case closures. This is to be augmented through the establishment of on-line public access to view the current status of enforcement investigations and notices.

Key to this success has been:

- a performance management system
- documented procedures and priorities
- a new computer system
• a reduction in notices issued
• learning from appeals.

In the annual report for the period to December 2006, Kerrier’s head of the planning service notes the progress that has been made, and the team’s performance in meeting its targets but also the need for continued effort to reduce backlogs still further.

**Lake District**

In 2003 there was one enforcement planner for the whole of the national park facing a backlog of 465 cases. A reorganisation the following year created an enforcement team of four staff, with a team leader on the same level as senior planners and with salaries that ensured successful recruitment. The new team handled all the enforcement caseload, including processing retrospective planning applications and dealing with related appeals and hearings.

Once the backlog had been addressed, the team instigated a programme of monitoring planning applications to head-off problems. An enforcement manual was drawn up, along with better recording systems and monthly performance reports. A scheme of delegations was agreed.

A policy statement was prepared (on one side of A4) setting down simple principles, and a DC charter informs the public about planned response times. Details are all available on the web site, along with a complaints form that can be downloaded. (www.lake-district.gov.uk).

The team has worked hard to produce all its written material in plain English, and is now putting out press releases to publicise its work in the community.

The Lake District team attributes much of its success to a more proactive approach. A third of its investigations were arising from developments that were not in accordance with planning permissions. They introduced a system of voluntary start notices with the objective of monitoring progress on site and ensuring developers avoid unacceptable breaches of permission. When notified of a commencement, the team check the files and write
to the developer drawing attention to any conditions that may cause particular problems if not addressed.

‘We are really starting to see the benefits of a compliance focus, rather than relying on what might be seen as a traditional enforcement approach, and an example of this is our advertisement control project, which we ran during 2006. We sought to tackle the problem at source with an active and innovative approach providing over 250 businesses, organisations and individuals with consistent advice, backed up with enforcement. This education campaign has resulted in significantly fewer breaches of advertisement controls during 2007, fewer complaints, reduced workload and all to the benefit of the landscape of the Lake District. The temporary banners that were such a blight have all but disappeared.’

David McGowan, Head of Development management, Lake District NPA

The Lake District team offers seven pointers to successful enforcement:

• maximise opportunities for compliance
• adopt the DTI’s ‘enforcement concordat good practice guide’ and act accordingly
• have an enforcement policy and review it regularly
• act consistently and openly
• communicate effectively
• review your performance and seek improvements
• keep up with best practice.
**publicity**
Advice and guidance prevents problems occurring.

**monitoring**
Contentious developments are monitored and conditions checked.

**negotiation**
Problems are addressed between LPA and developer.

**proactive**
Use of enforcement powers as part of co-ordinating environmental improvements.

**reactive**
Enforcement responds to complaints from the public.
Conclusion

As new legislation increases the importance of “impact” it is crucial that enforcement teams are on the front foot. Tackling the key issues of performance management, PR and working with partners will begin to alter the traditional perception of enforcement services as an inessential, non-statutory and reactive service towards enforcement being a key component in an effective development management service.

Our case study suggests that while additional resources and higher regard for enforcement skills are important, it is also necessary for planning managers and enforcement teams to take an active role in shaping their workload. The following factors are critical to the success of the enforcement services who have contributed to this case study:

- the establishment of an agreed policy framework for enforcement which is endorsed by members and which members themselves agree to abide by
- a charter for planning enforcement which sets out a formula for prioritising casework
- the introduction of better management arrangements, including performance standards and information systems, and regular progress reports
- the allocation of sufficient resources, with due attention to staff numbers, salary grades, career structures and training
- a more proactive approach, including monitoring developments for compliance with approved plans and conditions and negotiated solutions, leaving confrontation and prosecution as a last resort
- a closer working relationship with the council’s legal team, including regular meetings and a shared database
- a greater awareness of the interests and expectations of others, including magistrates and the planning inspectorate, and a
recognition of the need to promote the value and success of the service.

contributing organisations

Birmingham City Council
Bolton Council
Bradford Metropolitan District Council
Calderdale District Council
Doncaster Metropolitan Borough Council
East Riding of Yorkshire Council
Kerrier District Council
Lake District National Park Authority
Newcastle City Council
North Somerset District Council
Selby District Council
Stockport Metropolitan Borough Council
Westminster City Council
London Borough of Camden

further support and advice

National Association for Planning Enforcement
nape@rtpi.org.uk

The Federation of South-West Enforcement Officers
www.swenforce.org.uk

PARSOL Planning Services Enforcement System Design
www.parsol.gov.uk
relevant guidance

PPG18: Enforcing Planning Control, December 1991
Circular 10/97 Enforcing Planning Control, July 1997
RTPI Planning Advice Note No. 6
Enforcing Planning Control: Good Practice Guide for Local Planning Authorities
Review of Planning Enforcement: CLG November 2006

abbreviations used in the text

ASBO  Anti Social Behaviour Order
CLG   Communities and Local Government
DLO   Direct Labour Organisation
DM    Development Management
DVLA  Drive and Vehicle Licensing Agency
SLA   Service Level Agreement
receipt of complaint and initial action
has a breach of action taken place?
  yes
  no

is the breach of control a minor one?
  yes
  no

does the breach require planning permission and is it likely to be granted without amendments?
  yes
  no

  yes

is a retrospective application submitted and planning permission granted?
  yes
  no

  yes

is a retrospective application submitted and planning permission granted?
  yes
  no

  yes

after informing offender setting time scale and inspecting the site has the breach been remedied?
  yes
  no

  yes

does the breach involve unauthorised advertisement display?
  yes
  no

  yes

is a retrospective application submitted and consent granted?
  yes
  no

  yes

has the display been removed?
  yes
  no

  yes

is it determined to initiate further action?
  yes
  no

  yes

has the breach been remedied?
  yes
  no

  yes

draft and serve Section 215 notice
has any appeal been allowed?
  yes
  no

  yes

does the breach involve work to a protected tree?
  yes
  no

  yes

is there sufficient evidence to prosecute?
  yes
  no

  yes

SEO/EO will update complainant and the 20/20 record

has all requirements now been complied with?
  yes
  no

  yes

completion notices

at present this exhausts all existing forms of unauthorised development
  yes
  no

  yes

close out
appendix – Stockport MBC enforcement flow diagram

is it determined to take further action?

inform complainant and update 20/20 record

does the breach involve non-compliance with conditions of an extant planning permission?

BCN served on offender, has the BCN been complied with?

SEO/EO to inform complainant and update 20/20 record

prosecution proceedings; and default action

has the notice been complied with?

does the offence meet the criteria for prosecutions?

section 79 notice served is the notice appealed and the appeal allowed?

is the notice complied with?

formal enforcement action; and default action

close out