

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Questions to Portfolio Holders

Service Delivery Overview and Scrutiny Panel

Wednesday 5 June 2024

Question received by Cllr Callum Beswick:

Q1: Effective planning enforcement is vital to ensure that the public have confidence in the planning process. There have been several reports of issues with significant delays in enforcement action and the lack of prioritisation of reports of ongoing unauthorised building works. Could the portfolio holder detail any steps which they will be taking to ensure that our enforcement service meets public expectations?"

Response from Cllr Darren Price; Portfolio Holder for Regeneration and Planning:

The enforcement plan sets out how complaints will be investigated and identifies a schedule of priorities which set out a timetable for how the most serious breaches will be investigated. In accordance with the plan, the following priorities are identified:

Priorities	Examples (but not exhaustive)
One – Serious or permanent threat to public health, safety and the environment	Development which gives rise to a serious risk to public safety (e.g. non compliance with contaminated land/pollution conditions) Unauthorised demolition of a listed building, buildings in a conservation Unauthorised development in a SSSI and other nationally recognised nature conservation sites Development sites containing tree preservation orders
Two – Less immediate, but harmful with potential to escalate and cause harm to the living conditions of adjoining residents or the environment	Building works that have commenced, including where works have commencement with non compliance with planning conditions imposed to protect public safety/amenity (e.g. safe storage of building materials, site operative vehicles, pedestrian routes, working times)
Three – Other breaches likely to	Development completed including non compliance with other planning conditions e.g. hard and soft

remain stable	landscaping conditions
Four – Other minor breaches	E.g. Satellite dishes, adverts, new fences and walls, extensions to properties

The time taken to investigate each breach will vary depending upon the site and the nature of the breach itself. However the Plan identifies the following targets which the Enforcement Service will work towards:

Priority One – A site visit will be undertaken, wherever possible on the same day or the following working day.

Priority Two – A site visit will be undertaken within 5 working days.

Priority Three – A site visit will be undertaken within 20 working days

Priority Four – A site visit will only take place if deemed necessary following a desk top appraisal of the issues.

Where a breach is identified, the transgressor must be given every opportunity to rectify matters to ensure that the Council is seen to have acted reasonably if legal proceedings are taken at a future date. The majority of enforcement cases are resolved voluntarily through for example, retrospective applications, or voluntarily removing works or ceasing a use. Where formal action is taken, there are compliance periods and rights of appeal, all of which mean that in some cases enforcement matters can be ongoing for a considerable period of time and cannot be resolved quickly or within a fixed timescale.

However, in the financial year 2023-24 82% of enforcement cases were resolved within 13 weeks.