

|                                                       |                                                                                                |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>Meeting:</b>                                       | Overview and Scrutiny Board                                                                    |
| <b>Date:</b>                                          | 5 November 2025                                                                                |
| <b>Wards affected:</b>                                | All Wards                                                                                      |
| <b>Report Title:</b>                                  | Update on the Planning Enforcement Service                                                     |
| <b>When does the decision need to be implemented?</b> | Not applicable                                                                                 |
| <b>Cabinet Member Contact Details:</b>                | Councillor Chris Lewis, Place Development and Economic Growth and Deputy Leader of the Council |
| <b>Additional Member Contact details:</b>             | Councillor Martin Brook, Chair of Planning Committee                                           |
| <b>Director Contact Details:</b>                      | Alan Denby, Director – Pride in Place                                                          |

## 1. Purpose of the report

1.1 This report includes three elements:

- An update on the Council's Planning Enforcement Service.
- A response to the 2024 audit outcomes.
- A report on the lessons taken from a recent Ombudsman case.

## 2. Reasons for the proposal and its benefits

2.1 The aim of this update is to provide the Council with assurance and confidence that the Planning Enforcement Team are investigating cases, taking action where appropriate and closing current open cases.

2.2 The services delivered by the team form an important part of the Council's Corporate and Community Plan 2023 – 2042, particularly the Pride in Place priorities.

## 3. Recommendations / proposed decision

3.1 It is proposed that Overview and Scrutiny note the report and the achievements of the team over the last 12 months and make any recommendations.

## 4. Appendices

Appendix 1 – Development Management team structure.

Appendix 2 – Enforcement datasets which demonstrate:

- Total number of open enforcement cases increasing until a peak in September 2024. See Appendix 2 table A.
- From a peak of 172 cases received that closed in 2021, the number of cases closed has hit a record high in 2025 at 280 with two months remaining. See Appendix 2 table C.
- There has been a steady increase in Enforcement Notices served, with all appeals dismissed to date. See Appendix 2 table D.

- Changes introduced include the new Enforcement Policy (November 2024), increased team capacity with an Officer progressing to Senior (in March 2025) and new Assistant Planning Enforcement Officer (in August 2025).

## Appendix 3 – Equality Impact Assessment.

### 5. Background – past 12 months

5.1 Over the past 12 months, the Development Management Team has undergone a significant transformation in how caseloads are managed and performance is monitored. The latest team structure is attached in Appendix 1. The implementation of the Phase II Power BI dashboard in June 2025 has become integral to daily operations, enabling real-time oversight and fostering a strong performance culture within the team. This cultural shift is a direct outcome of the Service Fit for the Future project.

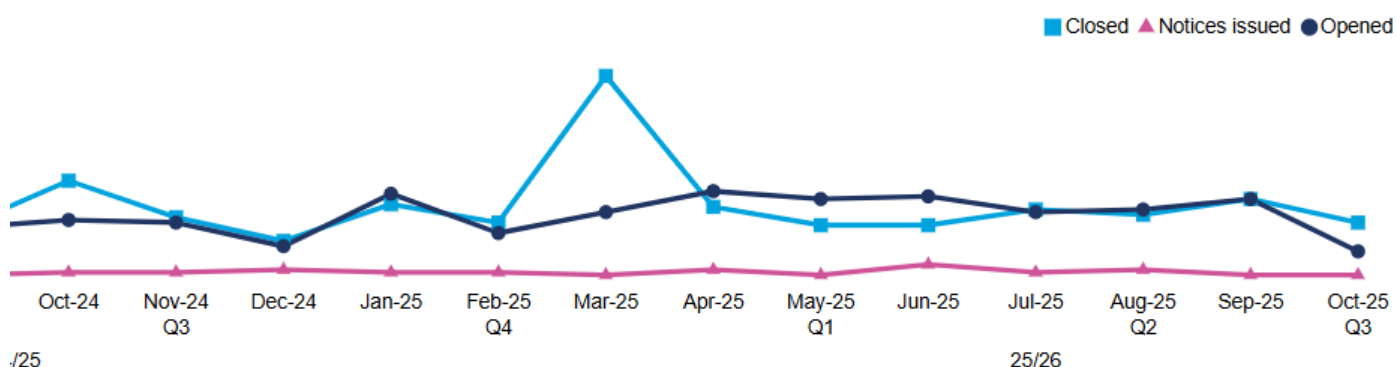
5.2 Notable progress has been made with the appointment of a new Assistant Planning Enforcement Officer to work alongside the existing two Senior Planning Enforcement Officers one of which was promoted to the Senior post earlier this year. The adoption of a proactive planning enforcement policy and theme-based investigations into historic cases have contributed to a stabilisation of open cases. This is paired with improved recording of investigations, faster response times and action being taken.

### 6. Update on the current planning enforcement service

#### The last 12 months in detail:

- Numbers of cases received: 292. Improved gatekeeping and communication around raising new cases have controlled registration. See Appendix 2 – table A and B.
- Number of cases closed: 335. Theme and case age related closures have helped rebalance cases in against cases out. See Appendix 2 – table A and B.
- Number of Notices served: 15. Regular action is demonstrating that the team have improved control over unauthorised development. See Appendix 2 – table D.
- Only 49 cases remain open between 2019 and 2021. This compares to 149 from 12 months ago.
- There are no cases older than 2019.
- 500<sup>th</sup> case closed – our Senior Planning Enforcement Officer reaches a milestone in July 2025.
- 3 Appeals against Enforcement Notice's dismissed.

#### Number of enforcement cases received, closed and notices issued

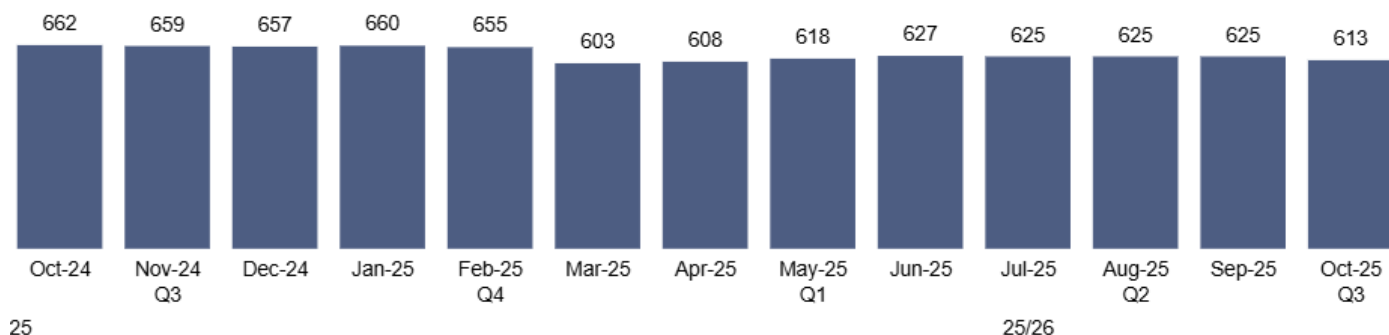


**Cases closed (light blue line)** - there has been renewed focus on closing cases as can be seen in March 2025 where 77 cases were resolved.

**Notices issued (pink line)** – 15 Notices served.

**Cases opened (dark blue line)** - there are spikes in new cases being opened due to a stronger case gatekeeping process and our improved complaint form. The trajectory is going down from the high of 678 in September 2024 to 613 in October 2025.

### Total number of open enforcement cases



Whilst the number of new cases cannot be controlled, improved gatekeeping, linked to the policy and complaints form manage the overall caseload.

## 7. Planning Enforcement Audit

7.1 In May 2024 the service was audited by the Devon Audit Partnership. The key risks identified related to:

- Full review of the enforcement policy.
- Internal procedures to support compliance with the policy and consistent practice.
- Training and development need not established.
- No review or authorisation of decisions.
- No performance monitoring, targets or reporting.

7.2 The annual review has taken place, although the final report has not been provided, however clear progress has been made:

- The Enforcement Policy is now regularly reviewed and updated.
- New complaint forms have been produced.
- Officers have completed a skills audit and recently been PACE trained.
- Power BI phase II is assisting with performance and case management.
- Case closures and action are now reviewed and authorised where required.

## 8. Ombudsman case

8.1 In August 2025 the Local Government Ombudsman provided their final decision on a longstanding enforcement case.

8.2 To summarise the complaint, a customer complained that the Council had not taken planning enforcement action to control a development near their home that required planning permission. A significant amount of time elapsed, whilst the Council was perceived to have delayed its investigation until four years elapsed since the build, then said the work was immune from enforcement. The complainant was concerned over the level of overlooking and impact on their health.

8.3 The Ombudsman accepted that since the events took place, the team has taken action to make service improvements. The DM team has recruited staff, created new ways of considering enforcement cases and created new policies and guidance.

8.4 The following recommendations have been completed:

- Issued an apology to the complainant.
- Paid £500 in compensation.
- Shared a copy of the decision with staff in the relevant departments to consider the lessons that can be learned from this case.
- It is worth noting the Ombudsman recently turned away a complaint made about the handling of an Enforcement investigation, showing the departments ways of working has progressed.

8.5 The team have also completed the following actions:

- Review the service and the complaint to identify the issues which led to the faults. The review included a review of the Enforcement policy and Officer training.
- Refer this decision and the review to the Cabinet Member for planning and the scrutiny committee to ensure democratic oversight of the issues identified and any planned actions to address these.

## 9. Options under consideration

9.1 There are no options currently under consideration.

## 10. Financial Opportunities and Implications

10.1 There are no current financial opportunities. The planning fees around enforcement service have been reviewed for the next financial year.

## 11. Legal Implications

11.1 There are no legal implications for this proposal.

## 12. Next steps

12.1 The report has been produced following consultation with the Chair of Planning Committee, the Director of Pride in Place, Officers and the Policy, Performance and Engagement Team.

## 13. Procurement Implications

13.1 There are no procurement implications.

## 14. Protecting our naturally inspiring Bay and tackling Climate Change

14.1 The Planning Enforcement Team are a key component in protecting the Bay from unauthorised development. There are no further implications around climate change associated with this report.

## 15. Associated risks

15.1 There are no associated risks associated with this report.

## 16. Next steps

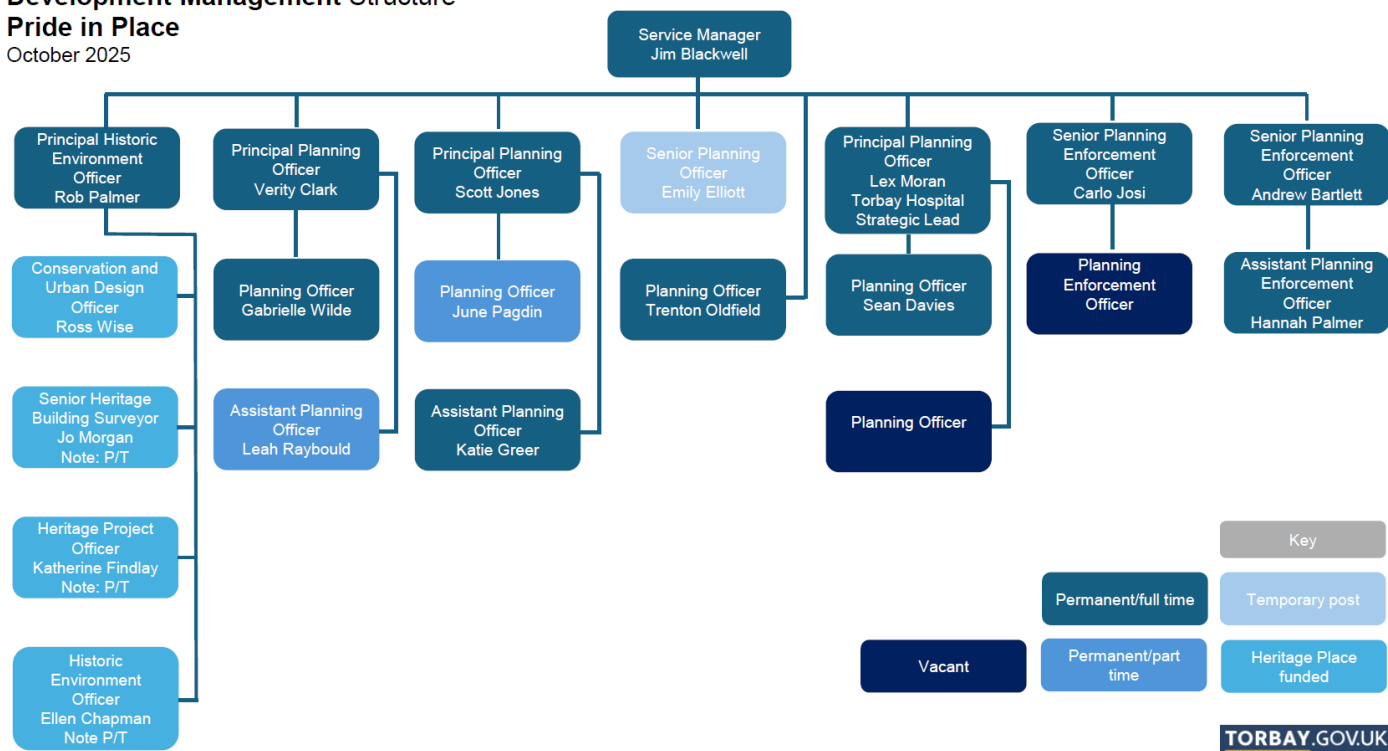
16.1 Recruitment to the vacant Officer post is critical to service delivery. The stabilisation of cases now needs to be converted into a downward trajectory with closures outstripping new cases registered. New cases can be managed through effective gatekeeping although there is no control over the number of cases raised. The team will continue to be action focused, continuing the trend of serving Notices.

## Appendix 1:

### Development Management Structure

#### Pride in Place

October 2025



## Appendix 2:

### Data sets

#### A. Total number of open enforcement cases

|      | January | February | March | April | May | June | July | August | September | October | November | December |
|------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
| 2025 | 660     | 655      | 603   | 608   | 618 | 627  | 625  | 625    | 625       | 614     |          |          |
| 2024 | 590     | 604      | 603   | 628   | 642 | 658  | 659  | 677    | 678       | 662     | 659      | 657      |
| 2023 | 493     | 501      | 523   | 548   | 549 | 547  | 564  | 569    | 586       | 574     | 572      | 575      |
| 2022 | 397     | 414      | 431   | 453   | 464 | 479  | 465  | 481    | 485       | 490     | 506      | 506      |
| 2021 | 195     | 200      | 217   | 214   | 229 | 251  | 276  | 297    | 324       | 344     | 359      | 373      |

#### B. Numbers of enforcement cases closed (light blue) and received (black).

|      | January | February | March | April | May | June | July | August | September | October | November | December |
|------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
| 2025 | 27      | 20       | 76    | 26    | 19  | 19   | 25   | 23     | 29        | 20      |          |          |
| 2024 | 4       | 3        | 32    | 3     | 14  | 8    | 17   | 5      | 18        | 36      | 13       | 27       |
| 2023 | 32      | 22       | 13    | 6     | 27  | 27   | 18   | 22     | 10        | 32      | 22       | 3        |
| 2022 | 0       | 2        | 4     | 4     | 18  | 6    | 57   | 32     | 37        | 19      | 18       | 21       |
| 2021 | 36      | 14       | 14    | 34    | 13  | 27   | 12   | 24     | 9         | 5       | 5        | 5        |

#### C. Totals – closed / received

|      | Closed | Received |
|------|--------|----------|
| 2025 | 280    | 249      |
| 2024 | 180    | 279      |
| 2023 | 234    | 305      |
| 2022 | 218    | 348      |
| 2021 | 198    | 370      |

D. Enforcement Notices served

|             | January | February | March | April | May | June | July | August | September | October | November | December | Totals |
|-------------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|--------|
| <b>2025</b> | 1       | 1        | 0     | 2     | 0   | 4    | 1    | 2      | 0         | 0       |          |          | 11     |
| <b>2024</b> | 1       | 5        | 3     | 0     | 1   | 0    | 2    | 2      | 0         | 1       | 1        | 2        | 18     |
| <b>2023</b> | 0       | 1        | 2     | 1     | 1   | 0    | 3    | 0      | 0         | 0       | 0        | 1        | 9      |
| <b>2022</b> | 0       | 0        | 1     | 0     | 0   | 0    | 0    | 0      | 1         | 0       | 0        | 0        | 2      |
| <b>2021</b> | 0       | 4        | 5     | 1     | 0   | 0    | 0    | 1      | 3         | 0       | 0        | 0        | 14     |

**Appendix 3:**

Equality Impact Assessment – attached.