

North East Derbyshire District Council

Cabinet

26 February 2026

Update of the Council's Enforcement Plan.

Report of Councillor S Pickering, Portfolio Holder for Environment and Place

Classification: This report is public
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PURPOSE / SUMMARY

To seek authorisation from Cabinet to amend the current Enforcement Plan in line with the details in this report.

RECOMMENDATIONS

1. To amend the current Enforcement Plan in line with the details in this report.

Approved by the Portfolio Holder for Environment and Place.

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no direct financial implications arising from the proposed amendments to the Enforcement Plan.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Paragraph 60 of the National Planning Policy Framework states that Local Planning Authorities '.....should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

No direct impact on staff resources, other than introducing some new ways of working, which the Enforcement team have instigated.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input checked="" type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Portfolio Holder

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 **Background** (reasons for bringing the report)

- 1.1 The National Planning Policy Framework states at paragraph 60 that 'Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how

they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'

1.2 In light of the 2023 Overview Scrutiny review of the Planning Enforcement function and the adoption of the current administration's Council Plan, both of which have occurred since the publication of the Council's existing Enforcement Plan (adopted in 2020), Officers have undertaken a review of the Plan.

1.3 The Scrutiny review made the following recommendations to the Council:

(That the Council)....

1. Provides training to Councillors and Parish Councils on Planning Enforcement, and distributes the Planning Enforcement service progress reports that Planning Committee receives, to all Members following training;
2. Monitors year on year increases in cases to assess whether an additional post in the Planning Enforcement Team is required;
3. Explores ways of reducing cases being received via email and instead channels complaints through the online 'report it' function with a view to closing down public complaints to the email channel if possible. This was to ensure that there was one point of contact, that complaints were not missed, and that expectations of the service were clearly explained and communicated; and
4. Reviews the Local Enforcement Plan to remove impracticalities and make it consistent.

1.4 In addition to the above recommendations, the lack of Key Performance Indicators was an issue identified during the 2023 Overview and Scrutiny Review, along with how enforcement cases are prioritised. On the latter issue, the review report concluded that 'due to the high number of cases, and relatively small number of staff, the Planning Enforcement Team were constantly having to change their priorities and that the threshold for action always shifted depending on the workload.'

1.5 The Review Panel that produced the Scrutiny report agreed that the Planning Enforcement Team were doing excellent work with the resources that they had, they questioned whether it was sustainable in the long term as workloads continued to increase.

2. Details of Proposal or Information

2.1 Appendix 1 to this report is the draft version of the updated Enforcement Plan. The changes seek to respond to the feedback from the Overview and Scrutiny committee review and to align the Plan to the objectives of the Council Plan. In headline form, the proposed changes are:

- An expanded introduction that sets out clearly the purpose of the Enforcement Plan (page 2);

- More detail is given on the types of cases that may fit into the high, medium and low priority categories in terms of the speed of response (pages 9 and 10);
- Key Performance Indicators (KPIs) have been included in order to monitor performance but also the appropriateness of the resource levels within the team (pages 20 and 21); and
- A scoring matrix we will be introduced to determine whether we will investigate a case firstly and then, if it merits investigation (in the public interest), what priority it will be given (appendix 1).

2.2 The rationale behind each of these 'headlines' are explained in more detail below.

Expanded introduction:

2.3 The proposed changes are considered to make it clearer to members of the public why the Council has an Enforcement Plan and the purpose of the document. The draft wording sets out that only planning enforcement is within the scope of this Plan. There will be lots of examples where a breach of planning control also raises environmental health considerations e.g. breach of a noise limit condition.

2.4 However, increasing awareness amongst the general public that there is a specific regulatory framework within which planning enforcement decisions must be made will be important in helping to manage expectations and ensuring that more cases reach the appropriate team at the first point of contact. This will free up more resource for the team to progress more planning enforcement cases, more quickly.

The categorisation of cases:

2.5 The proposed changes add many more examples to each of the categories of priority. Whilst the Plan inevitably cannot be too specific, the revised wording makes it clear that 'high' priority cases are those where imminent danger is likely or (in the case of unauthorised works to listed buildings or protected trees) a criminal offence may have occurred. In other words, the vast majority of the alleged breaches of control will not meet the 'high' priority threshold.

2.6 It is important to note that none of the categories are changing, but the clarity will again help the team to manage customer expectations.

Introduction of KPIs

2.7 Whilst there are national and local performance targets for the speed and quality of outcomes for planning applications, there are currently no such performance indicators for planning enforcement. This is something that has been considered at national level and officers consider that it would be appropriate to introduce targets that allow the performance of the team to be monitored and benchmarked. The 5 proposed Key Performance Indicators (KPIs) are listed in bullet points at the top of page 21 of the draft Enforcement Plan.

- 2.8 The first KPI is that 60% of cases would be resolved and closed within 6 months. To give that target some context, when national indicators have been mooted in the past, one of these was the 50% of cases should be closed within that timeframe. The proposed target would ensure that the Council would be performing better than any likely target introduced at national level in the future.
- 2.9 The next 3 KPIs are to ensure that cases are progressed expediently and that we measure performance against the expectations that are set out in the Plan. The last KPI relates to the serving of Untidy Land (Section 215 notices), which is a commitment in the Council Plan.

Triage process

- 2.10 Appendix 1 of the draft Plan sets out the metric that Planning Enforcement Officers will use to assess the harm that is arising from a breach of control. In many respects, this is not a change in the existing approach – for example, whether the impact is on a local scale or wider, whether the impact is irreversible (e.g. demolition of a listed building) and the age of the breach are all factors given weight now in the prioritisation of cases. The publication of how officers go about making this assessment in a particular case will be made clearer to residents through the publication of the triage system.

3 Consultation

- 3.1 Consultation has taken place with Councillors, the Agent's Forum (regular customers of the planning service) and the draft Enforcement Plan was made available for public comment on the Council's website for 21 days. One reply was received from a planning agent, suggesting that the performance targets are arbitrary, that appeal timescales may impact performance and that the number of Section 215 notices should reflect need.
- 3.2 These points are all noted. KPIs allow a benchmark to be set when reviewing performance over a period of time, to review resource pressures, service priorities etc. As set out above, the 60% case closure within 6 month target would allow the service to demonstrate resilience should a similar national performance target be introduced.

4 Reasons for Recommendation

- 4.1 To ensure that the Enforcement Plan accurately reflects the service provided by the team, is transparent in respect of how suspected breaches of planning control are prioritised and includes Key Performance Indicators to benchmark performance.

5 Alternative Options and Reasons for Rejection

- 5.1 Not to review the Enforcement Plan. The option is considered not to be appropriate as the above opportunities for improvement of the existing Plan would not be realised.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Draft updated Planning Enforcement Plan.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Click here to enter text.	