

Committee: Cabinet

Date: Tuesday, 14
April 2026

Title: Review and Update of the Planning
Enforcement Policy

**Portfolio
Holder:** Councillor John Evans, Portfolio Holder for
Planning

**Report
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Planning

Key Decision: No

Summary

1. The NPPF states that “effective enforcement is important to maintain public confidence in the planning system.” It advises that local planning authorities should publish a local enforcement plan to manage enforcement proactively, in a way that is appropriate to its area.
2. The Council’s existing ‘Planning Enforcement Policy’ was last updated in 2017. The 2017 policy has been reviewed and updated to reflect recent changes to planning legislation and the changing requirements of the planning enforcement function, taking into account feedback from a number of sources.

Recommendations

3. That Cabinet adopts the updated Planning Enforcement Policy, renamed ‘Planning Enforcement Plan’.

Financial Implications

4. Within existing budgets.

Background Papers

5. The 2017 Planning Enforcement Policy can be found here: [Adopted Planning Enforcement Strategy](#).

Situation

6. Officers carried out a review of its Planning Enforcement function in early 2023, with the help of an independent ‘critical friend’ who brought significant experience of local authority planning enforcement in London and elsewhere. In November 2024, officers held a Planning Enforcement ‘teach-in’ with Members and Parish Councils. Feedback from both these exercises has been taken on board in updating the Policy.
7. The updated Policy, hereafter referred to as ‘the Plan’ can be found at Appendix 1. Key updates include:

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- Updating terms and references to legislation, following changes to national legislation and policy since 2017 [throughout].
 - Emphasising the discretionary and non-punitive nature of planning enforcement in England [section 1].
 - Making clear what planning enforcement cannot investigate [2.1].
 - Additional clarification on the approach to site visits [3.6-3.7].
 - Removing Category D priority cases to simplify the priority levels of cases [section 3.8].
 - Adding a section on the communication to be undertaken following receipt of an enforcement referral [3.11]
 - Setting out the points at which officers will contact interested parties
 - Providing a new ‘stop-gap’ communication period of 3 months for when cases are protracted (with more frequent comms to be agreed with Ward Cllrs for specific high profile cases – such as unlawful airport car parks).
 - Updating the delegations in line with the current Constitution [3.16].
 - Further information of the use of Proceeds of Crime Act legislation [3.21].
 - Information on the complexity of enforcement notices in the context of an appeal against a notice [3.22].
 - Removal of ‘specific enforcement priorities’. Enforcement should be taken on the merits of each case instead.
8. The above incorporates parish council and service user feedback on communication on enforcement matters.
9. The update will further support improvements made in Planning Enforcement in recent years. Members may recall that from 2020-2022 hardly any formal enforcement action was taken. Instances of formal action began to increase in 2023 and in 2024/25 nine formal notices were served. In the most recent year (2025/26) 14 formal notices were served. This was assisted by additional resource being given to the team the previous year.
10. The Team saw 10 appeals lodged in 2025/26 which are all still pending. A further 6, older appeals remain pending. Two recent notices were withdrawn as the appeals against their subsequent planning applications were allowed making the works lawful. Three appeals were withdrawn as the appellants did not wish to continue going against the Council and 4 were dismissed (won) with the enforcement notices upheld.

11. The Planning Inspectorate have changed the Ground A appeal process so if there is a linked planning application that has been refused, developers need to appeal that and not submit an appeal against a subsequent enforcement notice. If the appeal against the planning application is allowed and planning permission is granted then the Council has to withdraw the enforcement notice. This is to reduce the number of 'bites' a developer has at appealing.
12. The team's latest application for prosecution for failing to comply with an enforcement notice had an initial court hearing in January and the matter was adjourned until May. The coming court hearing will be some 8 months since the council first sought prosecution and highlights the timescales involved in ongoing enforcement cases.
13. The team dealt with 193 enforcement referrals in 2024/25 and 182 last year. More cases were closed with 'informal compliance' being achieved than with formal notices issued (which is the approach advised by government and often achieves compliance far quicker than formal action).
14. It is recommended that Cabinet adopts the updated Local Planning Enforcement Plan.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
UDC fails to update it enforcement policy	1	2	2 – Not good practice as current plan dates from 2017. Regular reviews should be undertaken. May reduce confidence in Enforcement function. Review undertaken.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required