

**SOUTH STAFFORDSHIRE COUNCIL**

**PLANNING COMMITTEE – 21 JULY 2020**

**MONTHLY UPDATE REPORT AND AGREEMENT OF THE PLANNING ENFORCEMENT  
POLICY**

**REPORT OF THE LEAD PLANNING MANAGER**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Ministry of Housing Communities and Local Government

**2. RECOMMENDATION**

2.1 That Committee approves the updated Planning Enforcement Policy in Appendix 2, and as explained in paragraph 4.14 of this report; and,

2.2 Committee note the content of the remainder of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	21 <sup>st</sup> July 2020	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.

LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

- 4.1 Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before each Planning Committee (starting at 5:30pm). The sessions may well change depending on what issues are on the agenda.

**Given the current public health situation, we have suspended the current program, and continue to investigate how to do training remotely. We will confirm once agreed.**

### **4.3 Changes in National Policy:**

#### **Business and Planning Bill June 2020**

- 4.4** In response to the COVID19 pandemic, the government has introduced the Business and Planning Bill June 2020 ('the Bill'), granting a range of temporary planning and licencing relaxations. Whilst the Bill has not yet been fully enacted by the government, it is likely it will be brought into force imminently. The Bill introduces a range of relaxations, including the following areas;

#### Construction hours

- 4.5** Regulations are introduced to allow applicants to apply in writing for a temporary extension to on-site construction hours up to 1st April 2021. We have 14 days to determine these in writing with the applicant, and if we fail to respond permission will be given automatically. Government guidance accompanying the Bill suggests that we should generally be approving any applications to vary construction hours up to 9pm Monday – Saturday.

#### Measures to avoid existing planning permissions lapsing

- 4.6** To stop permissions lapsing during the pandemic, any planning permission that expires between the date of the Bill's commencement and 31 December 2020 will have its time limit for commencement extended to 1 April 2020. There may also be

permissions which expire after 23 March 2020 (i.e. start of lockdown) and the date the Bill comes into force. To allow for this, approvals which have expired in this period can apply to the local authority to have their expiration date reinstated to 1 April 2020. To do this, we have to confirm that their development is not restricted by the Habitat Regulations (e.g. is not a new dwelling within the zone of influence for the Cannock Chase SAC) and does not require an Environmental Impact Assessment.

#### Licencing changes to food and drink establishments

- 4.7 The Bill includes measures to allow for bars, restaurants and pubs (amongst other venues) to seat and serve customers outdoors. A temporary cap will be placed on the licencing fee that we can charge premises seeking to provide on-street seating, alongside a new 14 day determination period. If any applicant obtains a licence through this route, they will also automatically receive deemed planning consent for this use for the duration of the licence. In a similar vein, the Bill will make temporary changes to the Licensing act to allow premises selling alcohol on the property to also sell alcohol for consumption off the property, effectively allowing pubs etc. to function as off-licences. These measures will run to 30 September 2021 and will come into effect when the Bill becomes law.

#### **Other changes to permitted development**

- 4.8 Alongside the Business and Planning Bill, the government have also recently introduced temporary changes to permitted development to assist local businesses. These include measures allowing local authorities to hold a market on an area of land, including the erection of moveable structures on that land, until 23 March 2021. Other temporary measures also include a separate right allowing for the temporary use of land for up to 28 days in the period 1 July 2020 – 31 December 2020, of which up to 14 days can be for holding a market or for motor car or motorcycle racing. These measures are already in effect as of 25 June 2020.
- 4.9 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There has been 1 appeal decision since the last Committee, a copy of the decision is attached as Appendix 1. This relates to:
- The development of a detached dwelling and garage on land between Doveleys Farm and Hargedon House, Sandy Lane, Hatherton. The appeal was dismissed on the basis that the proposal would be inappropriate development in the Green Belt and would also result harm to the Green Belt.
- 4.10 We are still awaiting the 2 Crematoria applied for some time ago, and the decision is still awaited. It was due by 12 September 2019. We have sent a further email to PINS and received a reply on 16<sup>th</sup> June to state they had no update from the Secretary of State, but would keep in touch with us should that position change.
- 4.11 The Secretary of State for Transport has now made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west->

[midlands-interchange/](#) Officers are now in the process of considering the decision to understand next steps. The Legal Challenge period expired on 15 June 2020 and no Legal Challenge has been lodged.

- 4.12 **Relevant Planning Enforcement cases on a quarterly basis** – No update from last month on performance.
- 4.13 46 planning enforcement cases have been logged for investigation since lockdown began and cases are being progressed efficiently. The Planning Enforcement target of 80% of cases being logged and investigated within 12 weeks of logging is being achieved and currently stands at 92%.
- 4.14 **Planning Enforcement Policy** –A Planning Enforcement Challenge Panel was established in 2019 to review the Council’s Planning Enforcement Policy and agree an Action Plan for future service delivery. After review, the Challenge Panel endorsed some changes to the policy, namely, to make it more streamlined on what will be considered a priority case, but also reviewing the way in which we record service performance to be something within the team’s control. The policy now relates to carrying out 80% of investigations within 12 weeks of a case being logged, rather than monitoring those being resolved. Resolution of enforcement is often outside of the enforcement teams’ control, particularly if the action was planning permission or legal action. The full Planning Enforcement Policy seeking Planning Committee approval is in Appendix 2.
- 4.15 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met then unless exceptional circumstances apply MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/760040/Improving\\_planning\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
- 4.16 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.
- 4.17 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG’s website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
  - 152a – quality – major
  - 153 – speed – non major
  - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

The latest position is on the MHCLG website and the key figures are below:

**Speed**

151a – majors – target 60% (or above) – result = 89.4% (data up to December 2019)

153 – others – target 70% (or above) – result = 86.3% (data up to December 2019)

**Quality**

152a – majors – target 10% (or below) – result = 5.4% (date up to September 2018)

154 – others – target 10% or below – result = 1.1% (date up to September 2018)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – Land between Doveleys Farm and Hargedon House,  
Sandy Lane, Hatherton

Appendix 2 – Planning Enforcement Policy

Report prepared by: Kelly Harris, Lead Planning Manager