

Bolsover District Council

Meeting of the Planning Committee on 3rd September 2025

SEPTEMBER 2025 LOCAL ENFORCEMENT PLAN (PLANNING) REVIEW

Report of the Development Management and Land Charges Planning Manager

Classification	This report is Public
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PURPOSE / SUMMARY OF REPORT

- To provide a review of the effectiveness of the Local Enforcement Plan ("The Plan") which was first adopted in March 2019 and reviewed in May 2022, consider future monitoring requirements and to consider the need for updates, having regard to changes to legislation and working practices.
- To seek approval to adopt the changes to The Plan set out at Appendix 1 of this report.

REPORT DETAILS

1. Background

- 1.1 Paragraph 60 of the National Planning Policy Framework (2024) states that:
'Effective enforcement is important to maintain public confidence in the planning system. 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 March 2019 Bolsover District Council Planning Committee adopted the Local Enforcement Plan (Planning), which set out:

- how the Council will prioritise suspected breaches of planning controls;
- how to report a suspected breach of planning controls;
- how the Council will deal with suspected breaches of planning controls;
- who is responsible for implementing these policies; and
- how the Council will monitor planning enforcement.

1.3 In May 2022 a review of The Plan was undertaken. At that time, it was considered that there was little reason to amend or change the targets within The Plan and there were no changes to legislation to report. Members resolved that the same targets and priorities were maintained, alongside the 6 monthly report of performance to planning committee. It was, however, agreed that The Plan's appearance was refreshed to reflect Bolsover District Council branding and that it was prepared in an accessible format.

1.4 Since the 2022 update, there has been legislative changes and changes to staffing and practices that have procedural implications and impact on the implementation of The Plan. These are considered, in addition to service performance, in the Details of the Proposal section of this report.

2. Details of the Proposal

2.1 Providing excellent and accessible services is one of the four main corporate aims of the District Council. To make the best use of the available resources it is necessary to prioritise planning enforcement enquiries received to ensure the delivery of an efficient and effective service.

2.2 The Development Management and Land Charges Manager continues to report performance against the standards set out in The Plan in respect of the time taken to investigate suspected breaches of planning control based on the priority system adopted, namely:

- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified wherever possible, but within one working day, and a decision on what further action is required will be taken within 24 hours of that site visit. By way of example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a Conservation Area.
- The site of a medium priority case will be visited within two weeks of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit. By way of example a medium priority case includes unauthorised development that contravenes planning policy, significantly impacts on local amenity or public safety, or results in harm to the character of a Conservation Area or setting of a listed building.
- The site of a low priority case will be visited within six weeks of identifying a suspected breach of planning control. A decision on what further action

to take will be made within six weeks of that site visit. By way of example a low priority case includes unauthorised householder development, running small businesses from residential properties, unauthorised advertisements, and untidy land and buildings.

- 2.3 The twice-yearly update reports to planning committee have consistently presented details in respect of the number of planning enforcement cases received, closed and pending and performance against site visit targets for all low, medium and high priority case since 2019.
- 2.4 Such reporting has demonstrated that, with the exception of a few cases, all high priority cases have been visited within the target set in The Plan and more than 95% of low and medium priority cases have been visited within existing target periods.
- 2.5 Having such performance measures enables the Council to monitor how effective / responsive the department is to reports of breaches of planning control being received by the planning department and helps highlight any capacity / resourcing issues, to continue to provide an excellent service. It is recommended that the measures remain for these reasons. It is not considered that the timeframes set for investigating breaches of planning control should be reduced as the department's resources are limited, with the Council's only dedicated Planning Enforcement Officer visiting the vast majority of sites. If timeframes were to be reduced, greater resilience and investment in the service would be required.
- 2.6 No ombudsman complaints have been received since the adoption of the original Local Enforcement Plan (Planning) in 2019. Having clearly defined service standards is considered to be a contributory factor in this indicator of customer satisfaction.

Staffing and legislative changes

- 2.7 Following the resignation of the Principal Planning Enforcement Officer on the 18th April 2024 and difficulties recruiting into this position, a decision was taken to recycle this post and recruit an additional Principal Planner who, with the other Principal Planners within the Development Management Team and the District Council's Enforcement Officer lead on planning enforcement cases requiring formal action to be taken. This mini restructure has yielded high performance in terms of the amount of formal enforcement action taken post this decision, provided a renewed focus on service delivery and introduced greater resilience.
- 2.8 The abovementioned changes effect who is responsible for implementation of The Plan. The Assistant Director of Planning, Development Management and Land Charges Manager and the Principal Planners currently have overall responsibility for implementing the plan.
- 2.9 The Principal Planners, Enforcement and Planning Officers, where appropriate, will be responsible for investigating suspected breaches of planning control, and monitoring large housing sites.

- 2.10 The Assistant Director of Planning, Development Management and Land Charges Manager and the Principal Planners will decide what action should be taken when an investigation into a suspected breach of planning control has been completed.
- 2.11 It is not necessary to consult the Council's Solicitors on all cases where formal planning enforcement action is to be commenced, as such decisions rely on planning judgement. Qualified and experienced lead officers will set out the reasons for taking such action in a delegated enforcement report, which will be held of the case file and explain the Council's reasoning for taking such action. Formal notices will be served in accordance with the Council's scheme of delegation in its constitution. Solicitor input may be required for more complex cases and consultation with legal services will be carried out before any legal action is taken by the District Council.
- 2.12 The above changes have been made to The Plan, as set out at Appendix 1.
- 2.13 The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 were made on 2 April 2024. These brought the enforcement package set out in LURA into force, and subject to transitional provisions, came into force on 25 April 2024.
- 2.14 The four-year time limit for bringing enforcement action against building or engineering operations and changes of use to a single dwelling-house was removed. In most cases, no enforcement action may now be taken after the end of the following periods:
- 10 years beginning with the date of substantial completion of works (operational development) where substantial completion took place on or after 25th April 2024.
 - 10 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced on or after 25th April 2024.
 - 4 years beginning with the date of substantial completion of works (operational development) where substantial completion took place before 25th April 2024.
 - 4 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced before 25th April 2024.
 - 10 years beginning with the date of any other breach of planning control, including other changes of use and breaches of planning conditions.
- 2.15 The Plan has been amended to cover the new enforcement immunity periods.
- 2.16 Other legislative changes that effect The Plan include the extension to the expiration of a temporary stop notice. Such notices now expire 56 days after the display of the notice on site (or any shorter period specified). Where a temporary stop notice was issued before 25 April 2024, the expiry time limit was 28 days. This is reflected in the tracked changes to The Plan set out at Appendix 1.

- 2.17 The Government has also introduced provisions which allow the Local Planning Authority to serve an enforcement warning notice. Under section 172ZA of the Town and Country Planning Act 1990, where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, it can issue an enforcement warning notice. The notice will set out the matters that appear to be a breach of planning control and state that, unless an application is made by a specified date, further enforcement action may be taken. The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of section 171B of the Town and Country Planning Act 1990 and stops the clock with regard to any claim of immunity from formal enforcement action.
- 2.18 Development completion notices were also introduced by the Levelling Up and Regeneration Act 2023. These will allow the Local Planning Authority to state that a permission will cease to have effect at a specified time, where the Council is of the opinion that a development that was commenced before the expiry of the permission will not be completed within a reasonable period. This relates to the package of measures that the Government is seeking to introduce to speed up build out. Although not yet effective, this is listed at section 5.0 of The Plan as one of the types of formal enforcement action that the Council can take. For completeness, other missing types of action have been referred to, including, planning enforcement orders, repair notices, listed building notices, discontinuance notices and tree replacement notices.
- 2.19 Other changes of note include how District Councillors will be involved. The Plan currently advises that Ward Councillors will normally be informed before officers take formal action in respects of any suspected breach of planning control in their local area where the case is sensitive or contentious. This usually involves the lead case officer circulating a copy of the delegated enforcement report to Ward Councillors for information / comment.
- 2.20 There are, however, instances where immediate action is required to prevent irreversible harm to the environment or to deal with high priority cases. In such instances efforts will be made to contact Ward Councillors by telephone to inform them of intended action before it is taken.
- 2.21 In addition to monitoring of performance in respect of visiting sites, it is also considered that providing details of the registerable formal notices served and sharing the outcome of any enforcement appeal decisions received over the 6-month reporting period is incorporated into The Plan to allow planning committee members monitor the effectiveness of the service.

5 Reasons for Recommendation

- 5.1 The Local Enforcement Plan includes provisions that it will be reviewed if there are any substantial changes to relevant legislation, national policy or national guidance or within three years after publication depending on whichever is the sooner. Three years have passed since the last review of The Plan and there has been new legislation introduced and changes to service provision that should be reflected in The Plan so that it remains fit for purpose and relevant.

5.2 Effective planning enforcement is important to:

- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;
- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally get planning permission; and
- maintain public confidence in the Council's decision-making processes by ensuring conditions and planning obligations needed to make development acceptable in planning terms are complied with.

5.3 The preparation and adoption of an up to date local enforcement plan is equally important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the Council will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process.

5.4 Consequently, it is considered that the review and further adoption of a Local Enforcement Plan (Planning) is not only best practice from a planning perspective it is also closely aligned with the Council's priorities in terms of delivering excellent and accessible customer services and protecting the quality of life for residents and businesses.

6 Alternative Options and Reasons for Rejection

6.1 The alternative option for the Council to choose not to review or adopt a new Local Enforcement Plan (Planning) would provide no, or out-date-information relating to current working practices and legislation to inform the public of how to report and what they can expect when reporting breaches of planning control to the District Council. This would be contrary to national planning policy and government guidance, which encourages local planning authority to adopt local enforcement plans to manage planning enforcement proactively. It would also conflict with corporate aims to provide excellent and accessible customer services and to protect the quality of life for residents and businesses, through making the best use of the resources it has.

RECOMMENDATION(S)

1. That Planning Committee resolve to adopt a September 2025 update of the Local Enforcement Plan (Planning), which incorporates the track changes set out at Appendix 1.

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

Details: There are no specific finance or risk issues arising from this report. Setting performance standards helps manage expectations and provides a clear framework to assess any complaints against in respect of service delivery.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details: There are no legal implications. The plan sets out working practices to be followed and does constitute policy or guidance that would influence decision making and be vulnerable to challenge.

On behalf of the Solicitor to the Council

Environment: Yes ☒ No ☐

Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.

The performance standards will help protect the quality of life for residents and businesses, through prioritising breaches of planning control, making the best use of the resources it has and monitoring working practices to ensure that the service is as proactive and responsive as it can be when breaches of planning control are reported to the District Council.

Details: There are no environmental implications.

Staffing: Yes ☐ No ☒

Details: The proposed changes to The Plan seek to utilise and make best use of existing resources within the team.

On behalf of the Head of Paid Service

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: No significant impact on two or more district wards or expenditure above the thresholds. Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Ambition: Customers, Economy, Environment and Housing.
<ul style="list-style-type: none"> Customers, Environment and Housing – Delivering excellent customer services, protecting the quality of life for residents and businesses and delivering housing (having regard to the ability to serve completion notices, once secondary legislation is introduced).

DOCUMENT INFORMATION	
Appendix No	Title
1	September 2025 tracked changes to the Local Enforcement Plan (Planning).
Background Papers	
<i>(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 Executive you must provide copies of the background papers).</i>	