

Committee **Regulatory
Planning Committee**

Date **30 April 2025**

Report by **Director of Communities, Economy and Transport**

Subject **Development Management Update**

Purpose **To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the period between 1 October 2024 and 31 March 2025; and (ii) development management performance for the period 1 April 2024 to 31 March 2025.**

Contact Officer: **Sarah Iles – 01273 481631**

Local Members: **All**

RECOMMENDATIONS:

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 October 2024 and 31 March 2025, inclusive, there were 22 new complaints about alleged breaches of planning control. All of the new cases relate to “County Matter” sites. Of the new cases, 3 were dealt with and completed within the reporting period and 7 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2025 was 49. This represents an increase of 12 in the number of cases that were outstanding at the end of the previously reported period.

1.2 For information, the table below shows the number of new cases received during each relevant 6 month period going back to 2019. Whilst the last couple of years have seen a drop in the number of new cases, there has been an increase in the complexity and scale of some of the cases, which has consumed a significant amount of officer time.

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Apr - Sept	44	33	40	18	24	24
Oct - Mar	32	20	13	38	16	22
Total	76	53	53	56	40	46

1.3 During the last period, there have been a number of significant and complex cases that have involved a substantial amount of officer time to deal with and progress and/or resolve. This has meant that other cases, particularly some older cases, have not been progressed and resolved as would have been hoped. There are several older cases that just need a final site inspection to ensure that the breach of planning control has been resolved, and it is hoped that these can be closed during the next few months. Notwithstanding this, staffing resources within the Planning Policy and Development Management Team remain extremely limited and this does present challenges to deal with the levels of enforcement cases and site monitoring. There is one current vacancy within the team that is a role that can assist with site monitoring and enforcement work. The plan is to seek to recruit to this role shortly. Therefore, should we be successful in this recruitment exercise, there will be an increased level of resource for this work and we would

envisage that the number of outstanding cases will begin to reduce (although this will still be somewhat dependent on the number of new cases that come forward).

1.4 With regard to particular cases, Members may recall that in respect of Giffords Farm in Dallington, a significant breach of planning control occurred regarding the importation and deposit of waste, including in Ancient Woodland. No response was received to correspondence sent to the landowner so a Planning Contravention Notice (PCN) was served. No response to this was received, which is an offence. The landowner was prosecuted for the offence of failing to respond to the PCN and ordered to pay a total of £1,291.50 (£700 fine; £311.50 costs and £280 Victim Surcharge). Following the initial successful prosecution, the landowner was given a further opportunity to respond to the PCN. Regrettably he chose not to do so and was prosecuted for a second time. He pleaded guilty and was ordered to pay £1,229.34 (£576 fine; £423.34 costs and £230 Victim Surcharge). A further successful prosecution is encouraging; however, it does not resolve the breach of planning control. Following the second prosecution, the agent for the landowner has been in contact with officers indicating that the landowner is keen to resolve matters. A site meeting is proposed to review the actions needed to address the breach of planning control.

1.5 Another case of interest is 187 London Road in Hailsham. This property has an extant Enforcement Notice relating to waste and scrap metal related activities dating back to 2014. There have previously been two successful prosecutions of the landowner in respect of breaches of the Enforcement Notice, as well as Direct Action to remove a scrap car and waste materials. Following further complaints regarding waste related activities, the matter was investigated and breaches of the Enforcement Notice confirmed. Despite attempts to resolve the breaches with the landowner, no progress was made, and the landowner was summonsed to appear before Hastings Magistrates' Court on 19 December 2024. The defendant failed to attend, and the case was heard in his absence. The Magistrates were satisfied that the case had been proven and ordered the landowner to pay a total of £7,827.63; consisting of a £5,000 fine, £2,000 Victim Surcharge and £827.63 in costs. Whilst this is a positive outcome in terms of the levels of fines/costs, it has not resolved the breach of the Enforcement Notice. Officers are considering other options and maintaining contact with other regulatory agencies due to multiple other, potentially, criminal offences being carried out.

1.6 Appendix 1 of this report provides details of cases resolved and received within the period 1 October 2024 and 31 March 2025, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this report.

2. Site Monitoring

2.1 Due to significant resourcing limitations it has not been possible to proactively carry out a structured site monitoring programme during the last year. There have been some site monitoring visits, but this has been inclined towards sites where there have been previous or ongoing issues. It is hoped that a more thorough and focussed programme of site monitoring can be carried out in the future.

3. Development Management

3.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in "special measures". Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. The County Council is required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks

and extensions of time have not been agreed with the applicant, planning authorities must return the planning application fee to the applicant.

3.2 The Government publishes criteria for determining whether or not to place local planning authorities in “special measures”. One measure is the average percentage figure for the timely determination of major development applications over 12 months. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe agreed with the applicant. The Government also introduced monitoring performance on non-major planning applications, the threshold for which is 70%. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although officers continue to monitor and report on the County Council’s own performance.

3.3 In terms of performance, for the period April 2024 to March 2025 (inclusive) of the relevant applications, 100% of County Matter applications (waste and minerals proposals) were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications (for the County Council’s own development proposals) were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 12 months ending December 2024 was 100% of major applications determined within the relevant timescale, which is clearly well above the current 60% threshold.

3.4 The table below sets out the number and types of formal applications/queries dealt with for the financial year 2024/25.

Type	2024/2025
County Council applications determined	18
County Matter applications determined	6
Cross Boundary Applications	0
Applications withdrawn	7
Non-material amendment applications determined	4
Lawful Development certificates	1
Prior Notification	0
Formal Pre-Application Advice	3
“Do I need planning permission” requests	11
Minerals/Waste Safeguarding and other consultations	35
EIA Screening Opinion requests	4

4. Contact Officers

4.1 Members with any queries about enforcement or site monitoring matters should contact either Sarah Iles (01273 481631) or Marcus Berrisford (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Kiran Sajjan (01273 481595) or Sarah Iles.

RUPERT CLUBB

Director of Communities, Economy and Transport

Local Members: All