Committee	**Regulatory Planning Committee**
Date	**29 April 2026**
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 2025 and 31 March 2026; and (ii) development management performance for the period 1 April 2025 to 31 March 2026.**
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 2025 and 31 March 2026, inclusive, there were 12 new complaints about alleged breaches of planning control. With the exception of one, all the new cases relate to “County Matter” sites. Of the new cases, 3 were dealt with and completed within the reporting period and 12 older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2026 was 46, which is a reduction of 3 in the number of cases that were outstanding at the end of the previously reported period.

1.2 There continue to be a number of significant and complex cases that have involved a substantial amount of officer time to deal with and progress. Due to the number, scale and complexity of certain enforcement cases, there is a need to prioritise cases based on severity and harm, and this does unfortunately mean that there can be delays in dealing with the remaining, less pressing cases. This can be seen in some of the cases listed in Appendix 1 of this report.

1.3 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. The landowner failed to respond to correspondence and was served with a Planning Contravention Notice (PCN). The landowner also then failed to respond to the PCN and was successfully prosecuted on two separate occasions for this. Following the second prosecution, the agent for the landowner contacted officers indicating that the landowner was keen to resolve matters. However, nothing further was heard and no progress made. Consequently, an Enforcement Notice was served on the landowner and interested parties on 25 November 2025. No appeal was made against the Enforcement Notice, and it took effect on 29 December 2025. The Enforcement Notice required the cessation of the importation and deposit of waste and the removal of all imported waste materials. The time for compliance with the removal of the waste is 29 April 2026 and officers will be inspecting the site after this date.

1.4 Another case where formal enforcement action has been taken is in relation to Greenacres, London Road, Battle. A significant quantity of waste materials was imported to the site over a

period of time. Despite officers working closely with the landowner, including undertaking site meetings with their agent and others, the landowner failed to progress matters, either by way of the submission of a planning application that sought to regularise the matter or remove all the waste from the site. Due to the ongoing significant breach of planning control and lack of action by the landowner, an Enforcement Notice was served on the landowner and interested parties on 25 November 2025. No appeal was made against the Enforcement Notice, and it took effect on 29 December 2025. The Enforcement Notice required the cessation of the importation and deposit of waste, the removal of all imported waste materials and the reseeding of the land. The time for compliance with the removal of the waste is 29 April 2026 and officers will be inspecting the site after this date.

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 three 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. Despite these successful actions, the landowner and others have continued to breach the Enforcement Notice, as well as extending the unauthorised activities beyond the area covered by the Enforcement Notice. Complaints have continued to be received regularly and in December 2025 the Council was successful in securing an Injunction against the landowner and other parties at Hastings County Court. The Injunction covers a wider geographical area than the Enforcement Notice and extends to other parties rather than just the landowner.

1.6 Appendix 1 of this report provides details of cases resolved and received within the period 1 October 2025 and 31 March 2026, 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. Notwithstanding this, an initial programme of site monitoring for the current year has been prepared and forty-three formal monitoring visits have been scheduled.

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 2025 to March 2026 (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 2025 was 88.9% 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 2025/26.

Type	2025/2026
County Council applications determined	19
County Matter applications determined	11
Cross Boundary Applications	0
Applications withdrawn	2
Non-material amendment applications determined	4
Lawful Development certificates	1
Prior Notification	0
Formal Pre-Application Advice	3
"Do I need planning permission" requests	17
Minerals/Waste Safeguarding and other consultations	34
EIA Screening Opinion requests	1

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