

Overview and Scrutiny

2025

9th September

Update on Planning Enforcement

Relevant Portfolio Holder		Councillor Kit Taylor
Portfolio Holder Consulted		Yes
Relevant Assistant Director		Simon Wilkes, Head of Worcestershire Regulatory Services & Ruth Bamford, Assistant Director for Planning, Leisure and Culture Services
Report Author Mark Cox	Job Title: Technical Services Manager, WRS Contact email: mark.cox@worcsregservices.gov.uk Contact Tel: 01562 738023	
Wards Affected		ALL
Ward Councillor(s) consulted		None
Relevant Council Priority		Housing, Environment and Economic Development
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. **RECOMMENDATIONS**

The Overview and Scrutiny Committee is asked to RESOLVE that the report be noted.

2. **BACKGROUND**

- 2.1 Worcestershire Regulatory Services (WRS) has been assisting development control with planning enforcement work since March 2021. Restrictions during COVID lockdowns, staff shortages, lack of enforcement experience and increased demand with planning applications had caused a back log of planning enforcement cases. It was recognised by planning colleagues that WRS staff had experience of compiling evidence and preparing enforcement files for prosecution, and that these skills could be applied to assist in reducing the backlog of cases. In addition, planning colleagues recognised the importance of moving towards a proactive intelligence-led approach to tackle these enforcement issues.
- 2.2 During the latter part of 2023 and into the first part of 2024, through its various reporting processes, the Council decided to bring the enforcement functions of planning, Fly-Tipping, littering and dog fouling together under their shared regulatory service (WRS) to sit alongside the existing Environmental Health and Licensing functions. In June

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2024, planning enforcement was largely transferred to WRS to deliver on behalf of the Council.

- 2.3 During the decision-making process, the Council decided to invest temporarily in additional resource, for a period of two years, to assist with clearing of the backlog of planning enforcement cases.
- 2.4 The planning policy and decision-making function was retained by the Planning Officer in Development Management as it was felt they would be better placed to provide consistency with decisions taken in wider development management work.
- 2.5 This information report reviews the approach taken by WRS during this period.

3. OPERATIONAL ISSUES

- 3.1 It is difficult to set out a true baseline on the impact of the assistance WRS Officers have provided to date as, for some cases, WRS Officers have been assisting Planning colleagues with the investigation officer role since COVID. However, 1st June 2024 saw the formal transfer of the function to the shared service, so the approach to enforcement became the one used by WRS and the investment of resource in planning enforcement commenced.
- 3.2 The following table provides a number of snapshots across the period since the pandemic, setting out some pertinent information against key parameters taken from the shared service arrangements.

Service delivery method	2019/20 Planning only, Pre-COVID	2023/24 Planning with WRS assistance	2024/25 WRS planning enforcement
Number of claims of Alleged Planning Breach reported in period	Not recorded	Not recorded	320 [149 new cases & 171 open cases passed to WRS]
Number of alleged planning breaches where an investigation was required	160	158	302 cases*
% of reported alleged breaches that require investigation	Not available	Not available	88% of new cases

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Number of Priority 1 cases received as set out in the Enforcement Policy	Not recorded	Not recorded	5
% of valid cases closed in period resolved by informal compliance or no issue.	Not recorded	Not recorded	98.9% [173 out of 175]
Number of open cases at end of period.	Not available	Not available	426 (complainants rather than cases)
% of valid cases with Penalty Charge Notices (PCNs) served	Not available	Not available	3
% of valid cases with warning letters	Not available	Not available	12
No. of valid cases with Community Protection Warnings (CPWs) served	0	0	1 case (7 CPW)
No. of cases with Community Protection Notices (CPNs) served	0	0	1 case (7 CPN)
No. of cases with Enforcement Notice served	3	3	3
No. of cases where Notice served with intelligence log submission made	0	6	2

* 18 identified as not planning breaches and closed at first point of contact.

- 3.3 Whilst the above numbers are consistent across the different periods, the fundamental difference of approach has been the prioritisation of enforcement. Any reported breaches of planning control since June 2024 have been reviewed at source in-line with the Council's Planning Enforcement Policy and WRS' intelligence-led approach and consequently prioritised accordingly.
- 3.4 This has led to a targeted approach ensuring breaches of planning control that are the most justifiably contentious are addressed promptly and with appropriate resource. The converse of this is that some

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breaches of lower risk will take longer to investigate than may otherwise had been the case if they were addressed without any priority assigned.

- 3.5 The above approach has enabled staff time to ensure informal approaches are explored thoroughly for most cases, but where breaches are escalating or the harm being caused is severe, resources are focused and concentrated on taking appropriate enforcement action as swiftly as possible.
- 3.6 In all situations where enforcement is required, council officers will attempt to ensure compliance with planning rules through negotiation and persuasion. How much time is dedicated to the informal approach before any formal action is taken is dependent on the severity and speed of harm being caused, however an informal resolution is permitted at any time prior to formal action being concluded.
- 3.7 Where formal action is required, WRS Investigating Officers will complete the necessary steps to confirm the offence and prepare a formal notice. The investigating officer must always liaise with the planning officer to ensure appropriate policy has been considered, that the wording of the notice is consistent with wider planning decisions and that it meets legal requirements.

Case Study 1 - Long running issue concerning business.

- 3.8 This is an example of a long running case. Planning Officers requested assistance from WRS Officers in 2021 and was one of the first cases that was passed to WRS to investigate. Unfortunately, informal approaches did not resolve the issues and matters escalated quickly persisting for several years despite formal stop and enforcement notices being served. WRS Officers addressed new breaches as they arose by serving new notices. The case was reviewed regularly with a view to establishing the enforcement tool that would address the most significant harm to the greatest effect. Recognising that planning enforcement notices alone would not remedy the harm, a temporary injunction was sought and granted with a view to a full injunction to follow should this not provide resolution. Behind the scenes, compliance monitoring helped provide confidence to the residents that action was being taken and indicated to the perpetrators that enforcement action would be taken if they failed to comply with relevant directions. As a result of this approach, WRS have achieved almost full compliance which may negate the need for a full injunction.

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Case Study 2 – Long running complaints of vehicles being left on major road bridges to advertise commercial services

- 3.9 Complaints had been received by the planning department for several years about 4 companies using this approach to advertise. Informal action had minimal impact on their behaviour. The legislation in relation to this is complex and each perpetrator must be considered separately. WRS Officers have engaged in partnership working with the relevant Highways authority (i.e., National Highways or Worcestershire County Council) to secure Traffic Regulation Orders which will instigate double yellow lines on the bridge.
- 3.10 Two of the companies responded positively to this initial informal approach by WRS, complying with the request to cease the activity. A third ceased activity following service of a formal Community Protection Warning which was not adhered to. This escalated to a Community Protection Notice (CPN) in line with processes under the Antisocial Behaviour, Crime and Policing Act 2014. The vehicle subject to the CPN has since been removed with one vehicle appearing recently which is now subject to the above process.
- 3.11 The approach in the enforcement policy looks to try to achieve resolution informally in the initial stages for the majority of cases. This means it can take several years to reach the point of formal action beyond service of a notice. As a result, whilst no prosecution has taken place since June 2024, WRS officers have two cases being prepared for submission to the Council's solicitor, who can then consider the most appropriate disposal, including putting the matter before the Courts.
- 3.12 WRS's initial focus during this period has been to develop prioritisation and on delivering an intelligence-led approach, which ensure resources are allocated appropriately and priority cases are identified early. The initial triage of cases (as has always been done) now includes identification of priority in line with the Enforcement policy which provides consistency of approach for cases of equal priority irrespective of the Investigating Officer.
- 3.13 During an investigation, once an offence or pattern of offending has been identified, intelligence logs are submitted and recorded on the shared intelligence system. Such submissions provide clarity of entities (names, phone numbers, addresses and vehicles) that enable an offence. By recording such information routinely and consistently, officers are able to assess this alongside wider data, with analysis of this allowing the service to target resources at the entities most likely to perpetrate such offences if formal action is not taken. Traditionally,

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such intelligence submissions have been limited to the larger, high-profile cases, however this approach is increasingly being applied to all cases where an offence has been committed. The submissions are searchable and can be shared with/ disseminated to other organisations where appropriate so that cross border or multi-agency approaches can be taken where appropriate.

4. FINANCIAL IMPLICATIONS

- 4.1 The Council agreed an additional financial allocation to go alongside its existing contribution to the WRS budget, to cover the newly allocated functions, and work is delivered within this existing budget.

5. LEGAL IMPLICATIONS

- 5.1 Enforcement action is taken in line with the Planning Enforcement Policy.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 None.

Relevant Council Priority

- 6.2 The Bromsgrove Council Plan 2024-2027 includes both housing and the environment as key priorities, and planning enforcement would support both, helping to protect the environment from illegal development that damages amenity for the community, but also ensuring that permitted development does comply with the permissions as determined by the local authority.

Climate Change Implications

- 6.3 None.

Equalities and Diversity Implications

- 6.4 None.

7. RISK MANAGEMENT

- 7.1 The current arrangement has reduced delays in investigation by providing dedicated investigative resource with experience in collating evidence and preparing enforcement files. Some delays are currently

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being experienced where planning policy advice/reasons are being sought from planning officers who are focused on determining planning applications within statutory timescales. Development Control are working with WRS officers to resolve the delays and provide advice or rationale more quickly so that cases can be closed in a reasonable timeframe or enforcement action can be pursued without risking abuse of process allegations due to delay.

8. APPENDICES and BACKGROUND PAPERS

Planning Enforcement Policy - [Bromsgrove Enforcement Policy](#)

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9. **REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	Councillor Kit Taylor	Consulted 20.08.2025
Lead Director / Assistant Director	Simon Wilkes & Ruth Bamford	20.08.2025
Financial Services	Deb Goodall	Consulted 20.08.2025
Legal Services	Nicola Cummings	Consulted 20.08.2025