

Planning Enforcement – Task and finish Group feedback to Scrutiny Committee

10th February 2026 - Scrutiny Committee

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Background

A task and finish group was established to conduct a focused review of the Councils planning enforcement service, with part of its work to be reminded of the constitution and scheme of delegation and having regard to the updated Local Enforcement Plan adopted in July 2025 and the need for continuous improvement within the service.

Governance

The recommendation was for four Members and the Cabinet Member to participate in the task and finish group.

Two sessions were convened and met on 30th September 2025 and 7th October 2025.

Attached at Appendix 1 are notes of the discussion and recommendations that were agreed at each of the task and finish group sessions.

Attached at Appendix 2 is the results of the Benchmarking work that was requested by the task and finish group.

Recommendation

That the task and finish group discussions and actions be noted with a summary of the key recommendations from both sessions:

1. Communication with Members and Parish Councils at key stages and being realistic on what we can and cannot pursue as early as possible.
2. Consider a mechanism for improving communication between the Enforcement Team and councillors
3. Actively celebrate success and share that across the district so we show we are working on priority cases
4. Make greater use of temporary stop notices noting these are lower risk
5. Introduce a drone policy
6. Continue to engage with the corporate digitalisation programme
7. Councillor briefing post-election on Local Enforcement Plan – 1 year on from adoption

These measures will strengthen the existing service building on trust, communication and responsiveness.

There remains a legacy of older long standing cases which the team are working through utilising an additional budget. Recruitment and retention remain challenging.

Task and Finish meeting - 30th September 2025

Elected Members

Cllr Wallace – Vice Chair Scrutiny – Chaired meeting
Cllr Laming – Scrutiny Member
Cllr Murphy – Scrutiny Member
Cllr Porter – Cabinet Member for Local Plan and Place

Officers

Cheryl Headon – Strategic Director
Julie Pinnock – Corporate Head of Planning and Regulatory Services
Sarah Armstrong – Service Lead: Built Environment

Agenda

Theme A – Effectiveness of Current KPIs

Do the current KPIs give a clear picture of service performance?
Are these KPIs aligned with the objectives of the 2025 policy?
Are there important gaps in what is measured (e.g. quality, timeliness, outcomes)?

Theme B – Data Presentation and Use

Is the data presented in a way Members and the public can easily understand?
How often should Members receive performance updates?
How could existing data be used more effectively to identify trends and risks?

Theme C – Benchmarking

Are we using the right comparator authorities?
What benchmarking data would be most useful for scrutiny?
How could benchmarking help identify best practice to adopt

Key discussion, points arising and agreed actions

Recap of Local Enforcement Plan July 2025 including purpose and principles:

- Protect communities, heritage, and the natural environment from harmful unauthorised development.
- Clear priorities (e.g. Priority 1 for immediate, substantial, or irreversible harm).
- Proportionality, transparency, and consistent decision-making.
- Investigation stages, triage process, and KPI reporting framework.

Outline key changes from the 2025 update (e.g. refined priority system, enhanced parish/member comms, new monitoring indicators).

Round table discussion on the following points:

- Adoption of Local Enforcement Plan 2025 generally positively received;
- Ward Councillors continue receive complaints about Planning Enforcement;

- There is a view that cases drag on and therefore people consider they can do works that require planning permission without first obtaining the necessary consent;
- Perception that cases are not being worked on as they remain on the list each month;
- Recognise recruitment challenging;
- Recognise that the staff and linked services i.e. legal are our biggest asset;
- We will explore apprenticeship opportunities and interim arrangements;
- We need to find a way to keep Ward Councillors and Parish Councils updated without affecting our case.
- Recognised hard to provide detailed update on each case as these are time consuming and can affect the Councils evidence gathering;
- Not about training – we don't expect our Parish Councils to be planning experts;
- Need to identify ways of engaging /collaborating with Councillors and Parish Councils;
- New Local Enforcement Plan is helping to change how new cases are recorded, triaged and dealt with;
- More cases being closed with early intervention;
- Noted that we have a legacy of older long standing cases;
- Required to accept / log cases all new reports, then our Local Enforcement Plan sets out how we deal with those including a triage at receipt to close cases that are;
 - i. Not a planning matter – we receive many enforcement complaints that are not planning matters (i.e. noise, highways, fly tipping)
 - ii. Not a breach of planning – some works may not require planning permission or is not development
 - iii. Some works are County Planning matters (minerals and waste) so re-direct to HCC
 - iv. Some development is minor and does not fall within category 1 or 2 – so will not be further investigated.

National legislation / guidance

Town and Country Planning Act 1990

Case Law

NPPF

NPPG

RTPI / NAPE

Planning Enforcement Handbook for England | Championing the power of planning

Enforcement action is intended to be **remedial** rather than **punitive** and should always be commensurate with the breach of planning control to which it relates.

- Is there development?
- Is there a breach?
- Can the breach be resolved through negotiation?
- Is the breach causing harm?
- Is enforcement expedient?
- Any decisions made should be accompanied by a report addressing all the issues and kept on file.

Majority of cases can be resolved through **negotiation**.

Care must be taken in such cases to ensure that **expediency** remains a planning decision and is not influenced by public opinion.

In addition, care must also be taken to ensure that the issues that were raised and dealt with during the planning application (and appeals) process, are not allowed to be resurrected.

Further pressure can be brought by threats to involve the Ombudsman, a local councillor or MP.

Notwithstanding the nature or the extent of complaints, expediency is still a matter for the Local Planning Authority and if it decides to exercise its discretion and take no action, its reasons for doing so should be explained.

Actions from first task and finish group meeting:

Theme A – Effectiveness of Current KPIs

- The only national KPI is the number of enforcement notices served;
- We produce monthly lists to Councillors and Parish Councils;
- Recognise it is difficult to provide detailed updates which takes officers away from work;
- Agreed to follow this up as part of the wider digitalisation programme
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Theme B – Data Presentation and Use

- Introduce quarterly reporting on:
 - Open / on hand
 - Open and closed at triage
 - Closed
- Profile of the age of the work to show the backlog and how this is reducing
- We will consider how and where to present the quarterly data
- Updates on historic cases

Theme C – Benchmarking

LEP sets out that we will monitor:

- number of new cases received
- The number of cases closed
- Current workload (a running total of live cases)
- The percentage of complaints acknowledge
- Cases closed at point of receipt and through triage
- Immunity dates of ongoing cases
- The percentage of cases closed within the timeframes of:
 - Less than 12 weeks;
 - More than 12 weeks;
 - Less than 6 months;
 - More than 6 months.

From the first task and finish group it was agreed:

- ✓ Review the timeliness of updates
- ✓ Report / celebrate appeal success
- ✓ Changes during the enforcement action /appeal process will be briefed to Ward Councillors and Parish Council
- ✓ Serve more temporary stop notices (TSN) – but recognise that it may not be possible to serve stop notices (SN) noting the risk is lower with TSN than SN.
- ✓ Introduce a drone policy / utilise drones
- ✓ Continue to engage with the Police for shared intelligence
- ✓ Add priority level to the monthly reports
- ✓ Continue to undertake risk assessments to ensure staff safety when visiting and serving notices at sites which have an identified risk to staff safety and wellbeing;
- ✓ Continue with our digitalisation programme

Task and Finish meeting - 7th October 2025

Elected Members

Cllr Wallace – Vice Chair Scrutiny – Chaired meeting

Cllr Laming – Scrutiny Member

Cllr Murphy – Scrutiny Member

Cllr Porter – Cabinet Member for Local Plan and Place

Officers

Julie Pinnock – Corporate Head of Planning and Regulatory Services

Sarah Armstrong – Service Lead: Built Environment

Agenda

Theme A – Access to Information

- Is it easy for the public to report and track enforcement matters?
- Are we providing the right balance of information for transparency without breaching confidentiality?

Theme B – Communication Timelines

- Are updates to Members and parishes timely and consistent?
- Should there be a stated standard for initial acknowledgement or updates?
- How can we explain timeframes realistically, given legal and procedural complexities?

Theme C – Managing Expectations

- How well do we manage public and Member expectations on case progress?
- Are we clear about constraints when delays occur?
- How could we improve understanding of the full enforcement process?

Key discussion, points arising and agreed actions

Started with a recap of how the 2025 policy addresses communication and transparency:

- Acknowledgement of cases within 5 working days.
- Monthly lists of new/live/closed cases to Members and parishes.
- Case updates at key investigation stages (e.g. remedy underway, notice served).
- Clear explanation of planning harm vs perceived harm.
- Limits on setting fixed resolution timeframes due to legal/complex case factors.

Followed by a round table discussion the following points:

- Appetite for a drone policy to support enforcement investigations. Particularly on sites that pose a risk to staff for access. We continue to work with the

Police who have provided drone footage on difficult sites. There are issues with using drone footage as evidence in court (hence need for a policy) as well as GDPR and Data Protection.

- Acknowledge and note that the Council does not have an out of hours service for alleged breaches of planning control. This would require a team of staff to be on call 24/7 including legal resource. Most breaches are not a criminal offence and do not justify an out of hours service which would be difficult to resource. No other local councils have an out of hours enforcement service.
- Discussion around the flow charts in the Local Enforcement Plan, with a commitment to review these to check they were clear on the processes
- Discussion about transparency with the group acknowledging that reports of alleged breaches of planning control are not public information, and only when an enforcement notice is served is there a public record. The discussion was then around who we communicate to and how.
- Sharing monthly lists of new, open and closed cases with Ward Councillors and Parish Councils bearing in mind confidentiality was considered appropriate.
- However discussion on how to keep complainants, Ward Councillors and Parish updated on individual cases remains a concern, and with the council's current software cannot be automated. The group acknowledged that this was linked to digitalisation and whether the council would introduce CRM software which would link to the planning soft for case management updates. It was acknowledged that further digitalisation work is required in this respect.
- The issue of communication with ward councillors about live cases within their wards was discussed and a request that officers consider possible options for improving communication with ward councillors
- It was acknowledged that the appetite for information in some cases exceeds what the council can share.
- We discussed how aware each Parish / Ward Councillors are of other cases (outside their Ward/Parish) that the enforcement team are handling. It was acknowledged that if our efforts are focused on one case in one Ward/Parish we cannot also be working on other cases. We agreed to consider how we communicate wider work across the district, which would dispel the perception that we are not working cases through. Appeals and Prosecutions require significant resources and must follow national process / procedure. A few case studies were suggested.
- We should celebrate success, and consider what success really looks like.

Actions

Theme A – Access to Information

- The reporting tool on the Council web site which directs how to report an alleged breach of planning controls is regularly used and we are not receiving complaints around ease of reporting.
- Accepted that it is not possible to share more information on cases which would undermine the council's case, particularly before we serve notices or take prosecutions.

Theme B – Communication Timelines

- Updates to Members and parishes are timely, sent monthly and consistent but there is a recognised desire for more detailed updates which it is not possible to provide on each open case on a monthly basis.
- There are standards for acknowledge and guiding principles on case updates.

Theme C – Managing Expectations

- Agreed to consider more wider comms for significant cases (to demonstrate that the team are actively working on priority cases).
- Discussed appropriate language to include in monthly updates
- Celebrate success
- Briefing for all Councillors post-election – 1 year on from adoption of the updated Local Enforcement Plan
- Regular briefings for Parish Councils
- A key take away was that we need to be honest about what we can and can't do sooner in the process. This is already underway with new cases which are triaged on receipt and closed when they are not a breach of planning control or we are not going to take action on what is a technical or minor breach.
- Review our statement of community involvement (SCI) – this is a larger piece of work and is linked to wider planning service. It also needs to include drone usage, CRM (if progressed), digitalisation and use of AI.

From the second task and finish group it was agreed:

- ✓ Councillor briefing post-election on Local Enforcement Plan – 1 year on from adoption
- ✓ Regular briefings for Parish Councils and how we use Parish Connect.
- ✓ Be honest on cases we cannot pursue
- ✓ Recognise recruitment challenges and risk to staff at difficult sites
- ✓ Agree a drone policy
- ✓ Communication around strategy and priorities in the team to reduce perception that we are not actively working on cases.
- ✓ Celebrate success

Bench marking

A key pillar of the task and finish group was to engage with other enforcement services. We asked a series of questions of our near neighbours and peers where officer's had contacts which enabled a 70% response rate (5 responses). We asked:

- Whether triage at receipt
- Pro-active compliance monitoring
- Number of open cases on hand
- Number of notices served
- Number of appeals against notices
- Staffing and vacancies
- Key challenges / prioritises were listed as:
 - Protecting trees
 - Gypsy and Traveller sites
 - Agricultural and tourism development
 - Householder breaches of permitted development rights
 - Major development breaches

	Peer Councils (5 responses)						Winchester CC
Triage at receipt	Yes						Yes
Proactive compliance monitoring	2 No			3 Yes			Yes
No of open cases on hand	132	565	397	170	275		386
No of notices served	15	36	26	13	21		17
No of appeal against notices	1	5	16	8	1		13
No of appeals - dismissed	1	4	-	10	0		3
Allowed/split	1	0	-	1	0		1

Bench marking shows that Winchester is working within the range with high numbers of notices being served and a high success rate at appeal. Further work is needed to analyse the bench marking information received.

For Winchester the information is combined with the SDNP to provide overall figure.