

DECISION TAKER: Cabinet Member for Place and Local Plan, Councillor Jackie Porter

REPORT TITLE: LOCAL ENFORCEMENT PLAN – 2025

18 JUNE 2025

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WARD(S): ALL (OUTSIDE SOUTH DOWNS NATIONAL PARK)

PURPOSE

The Local Enforcement Plan (LEP) describes how the planning enforcement service will direct its resources to deal with alleged breaches of planning control.

The LEP sets out the national legislative framework within which Planning Enforcement must operate, relationship with other regulatory bodies, our operating principles, how to report an alleged breach of planning control and how we will deal with those establishing 2 priorities. It also sets out those matters we will not investigate and sets out how decisions are made on which cases to pursue and our approach to pro-active monitoring.

The LEP has been through extensive consultation including a series of workshops with volunteer Parish Councils as well as a 6 week period of consultation between 5th February 2025 and 20th March 2025. The consultation received 42 responses and where practical suggestions have been incorporated into the final LEP.

RECOMMENDATIONS:

That the Cabinet Member for Place and Local Plan:

1. Adopts the Local Enforcement Plan (2025) as set out in Appendix 1 of this report;
2. Delegates any minor typographical errors and updates to national legislation/guidance to the Corporate Head of Planning and Regulatory Services to make to the document in consultation with the Cabinet Member for Place and Local Plan.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Greener Faster
- 1.2 The LEP emphasizes key principles and priorities, such as the protection of nature conservation areas, including protected trees. It integrates policy-driven planning to ensure that developments preserve and enhance biodiversity.
- 1.3 Thriving Places
- 1.4 The LEP emphasises collaborative efforts with internal and external teams and organisations to ensure remedial matters are sensitive to the character of the area. The LEP highlights the use of legislative powers to guide officers and the public in addressing issues of nuisance, such as fly-tipping and waste dumping.
- 1.5 Healthy Communities
- 1.6 The LEP promotes active engagement with local parishes and members of the public to protect and preserve their environment and uphold their communities.
- 1.7 Good Homes for All
- 1.8 A key element of the Plan is to ensure that developments within the district adhere to National Guidance, including the National Planning Policy Framework (NPPF). The Plan aims to regularize and ensure compliance with policy standards, encompassing energy efficiency and safety protocols.
- 1.9 Efficient and Effective
- 1.10 The LEP outlines clear communication strategies and public engagement, informing readers about what to expect after reporting a suspected planning breach. It provides detailed information on the internal monitoring and review of cases by Team Leaders, as well as the communication of relevant information to local parishes.
- 1.11 Listening and Learning
- 1.12 The review of the LEP was conducted collaboratively through workshops with local parish members and a public consultation. Though public engagement, feedback has been carefully considered, and the LEP has been adjusted accordingly.

2 FINANCIAL IMPLICATIONS

- 2.1 The LEP ensures that Council resources are directed to the breaches causing the most planning harm by establishing a protocol to tackling the most harmful

breaches. Resources are principally existing staff in the planning enforcement team and legal resources.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 National legislation in NPPF and the courts establish the framework within which the planning enforcement service operates. The LEP plan for Winchester directs how the Council will use its resource to tackle the breaches that generate the most planning harm.
- 3.2 Section 171A of The Town and Country Planning Act 1990 establishes what a breach of planning controls is and the powers the Council has to deal these. The Levelling Up and Regeneration Act 2023 made some changes to strengthen enforcement powers which includes changes to the timeframe for taking action, increasing the time for 4 years to 10 years (after which time a breach becomes immune from enforcement action).
- 3.3 When serving an enforcement notice, temporary/stop notices or taking action in the courts the Councils legal team support decision making and provide advice on the most appropriate course of action having regard to the public interest test.
- 3.4 The provisions of the European Convention on Human Rights, such as Article 1 of the First Protocol, Article 8 and Article 14, are also relevant when considering enforcement action.

4 CONSULTATION AND COMMUNICATION

- 4.1 The review of the LEP included two workshops held on 2nd November 2023 and 5th December 2024, chaired by Cllr Jackie Porter, Cabinet Member for Place and Local Plan with the Service Lead: Built Environment who is responsible for the enforcement service. Enforcement Officers also participated and informed the workshops.
- 4.2 With a strong focus on public engagement, the workshops invited local parish members to share and discuss necessary changes and recommendations. Those that participated in one or both workshops are:
 - Councillor Loraine Rappe, Wickham Parish Council Member
 - Councillor Sue Wood, Sparsholt Parish Council Chair
 - Councillor Eric Bodger, Curdridge Parish Council Member
 - Councillor Maggie Hill, Colden Common Parish Council Member
 - Councillor Paula Langford-Smith, Parish Councillor for Denmead
 - Councillor Kevin Andreoli, Denmead Parish Council Member
 - Councillor Francesca Byrne, Shedfield Parish Council

- Councillor Margaret Jones, Shedfield Parish Council
- Ailsa Duckworth, Clerk - Shedfield Parish Council
- Councillor Carolyne Trew, Boarhunt Parish Council
- Councillor Timothy Hunt, Compton and Shawford Parish Council Member
- Councillor John Godbold, Badger Farm Parish Council
- Councillor Rona Blundell, Olivers Battery Parish Council
- Brendan Gibbs, Clerk - Olivers Battery Parish Council
- Councillor Ian Herring, Otterbourne Parish Council Member

4.3 These suggestions were reviewed and implemented where appropriate and then reassessed in a follow-up workshop.

4.4 The revised document was subsequently subjected to a public consultation, inviting feedback from statutory consultees, local parishes, and ward members, and publicized on the WCC website. This consultation ran for 6 weeks between 5th February 2025 and 20th March 2025.

4.5 The consultation received 40 responses with 3 of those from officers within the Enforcement Team. The main themes of that arose were comments on the format and simplifying the text so it is more concise and clearer in its wording. Many of the comments were about the service itself, the need to enact the LEP faster and with more resource or not agreeing with the legislative processes themselves. Overall, the format, communication strategy and priorities were understood with a suggestion to improve these areas and to raise the priority of a breach where health is impacted being carried forward into the actions for the LEP document.

4.6 Comments and suggestions from the consultation have been consolidated into Appendix 1 and are being carried forward when this complies with national legislation and is appropriate and proportionate.

5 ENVIRONMENTAL CONSIDERATIONS

5.1 The LEP is dedicated to safeguarding nature conservation areas, including protected trees and actively promotes nature's recovery through habitat restoration, sustainable land use practices, and initiatives aimed at bolstering the resilience of local ecosystems.

5.2 Through collaboration with the Natural Environment Team and through integrating policy-driven planning, it ensures that developments not only preserve but also enhance biodiversity.

5.3 The LEP leverages legislative powers, to guide officers and the public in tackling the most harmful environmental concerns, whilst working alongside

Enforcement protocols set by Hampshire County Council for waste management.

6 PUBLIC SECTOR EQUALITY DUTY

6.1 The adoption of an updated LEP is consistent with the Council's Equality Policy.

7 RISK MANAGEMENT

7.1 Having an adopted LEP ensures the Council has a local policy which establishes how alleged breaches of planning control will be managed. The current LEP was adopted in January 2020 National legislation recommends LEPs are reviewed every 2 years. There are no risks in adopting this reviewed LEP.

Risk	Mitigation	Opportunities
Financial Exposure	N/A	N/A
Exposure to challenge	An up to date adopted LEP establishes how the council will tackle alleged breaches of planning control	N/A
Innovation	N/A	N/A
Reputation	An up to date adopted LEP establishes how the council will tackle alleged breaches of planning control	N/A
Achievement of outcome	N/A	N/A
Property	N/A	N/A
Community Support	Workshops were held with volunteer parish councils to help review and draft the LEP. A 6 week consultation was undertaken.	Parish Councils involved in the workshop to act as advocates.
Timescales	National guidance recommends LEPs are reviewed every 2 years.	Opportunity to direct resources to the most harmful breaches of planning control
Project capacity	N/A	N/A
Other	N/A	N/A

8 SUPPORTING INFORMATION:

8.1 The existing Local Enforcement Plan was last updated in January 2020. National legislation recommends Local Planning Authorities adopt a local

enforcement plan every 2 years. Therefore a review of the current plan is overdue.

8.2 National Planning Practice guidance explains that having a local enforcement plan is important because:

- 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 local planning authority will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process.

8.3 The Service Lead Built Environment invited a group of parish councils to attend 2 workshops Chaired by Cabinet Member for Place and Local Plan to review the existing local enforcement plan and make suggested changes.

8.4 This method of engagement enabled a greater understanding of the legislative framework within which Enforcement operates and the also an understanding of how Parish Councils operate.

8.5 The Parish Councils involved in the workshops have been very supportive of the work to date and will act as advocates to other parish councils.

8.6 The Local Enforcement Plan will ensure that the resources in the team can be directed to those alleged breaches of planning control causing the most serious planning harm.

8.7 The previous plan had 3 priorities, but this has been changed to 2 priorities to target and prioritise our resources as follows:-

- **Priority 1** – Breaches that may result in immediate, substantial or irreversible harm and are actively occurring on site. A site visit will be undertaken within one working day of receipt of a report.
- **Priority 2** – Other breaches of planning control listed in the policy which includes unauthorised residential or commercial development; residential caravans (including gypsy, travellers and travelling show people).

8.8 All new cases will be triaged on receipt to decide if they fall within priority 1 or 2. Many reports to the enforcement team are not breaches of planning control or fall to other agencies to investigate. These cases will be closed on receipt and sign posted to the relevant agency. A series of FAQ's is published on our web site which includes contact details for other agencies.

- 8.9 Existing open enforcement cases will be reviewed and moved into Priority 1 or Priority 2 category. Cases that do not fall within Priority 1 or 2 will be closed.
- 8.10 Effective enforcement is important to:
- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
 - maintain the integrity of the decision-making process;
 - help ensure that public acceptance of the decision-making process is maintained.
- 8.11 Monitoring the effectiveness of the Local Enforcement Plan is essential. Quantitative and qualitative measures will be used to measure success. The plan lists a range of quantitative measures which will be reviewed and monitored on a quarterly basis.
- 8.12 Measuring success is more challenging as taking enforcement action is difficult and takes time. If a contravener receives an enforcement notice they have a right of appeal, which effectively puts the enforcement notice in abeyance pending the appeal.
- 8.13 The government publishes data on how long taking planning and enforcement appeals take. In March 2025 (the latest published data), enforcement appeals were taking between 38 (inquiries) and 63 (hearings) weeks (mean average). [Appeals: how long they take - GOV.UK](#)
- 8.14 Government measures success at appeal over a rolling 2 year period. For the period 1st May 2023 to April 2025 we received 38 enforcement appeal decisions. Of those 13 were dismissed (34.21%), 11 allowed (28.95%) and 14 withdrawn (36.84%). A withdrawn appeal usually means that the enforcement notice takes effect, therefore dismissed and withdrawn appeals equals 71%. Winning 70% of enforcement appeals is positive and aligns with our local KPI. This is a positive measure of successfully defending the enforcement action the council take.
- 8.15 Adopting a local enforcement plan will support resource management and target resources. It is therefore recommended that this Local Enforcement Plan is adopted.

9 OTHER OPTIONS CONSIDERED AND REJECTED

- 9.1 A Local Enforcement Plan is recommended by national planning guidance. Engagement with Parish Councils and Members will have helped to ensure that the new Local Enforcement Plan is fit for purpose, is clear on how alleged breaches of planning control will be dealt with and how we communicate that with Parish Councils, Ward Members and complainants. It establishes how we prioritise alleged breaches of planning control.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

Health and Environment Policy Committee 9th October 2019. [Agenda for Health and Environment Policy Committee on Wednesday, 9th October, 2019, 6.30 pm - Winchester City Council](#)

Cabinet Member Announcement – LEP approved for publication under Officer delegated powers [Printed minutes 21st-May-2020 17.00 Cabinet.pdf](#)

Other Background Documents:-

Current Local Enforcement Plan January 2020 [Local Enforcement Plan - Winchester City Council](#)

Town and Country Planning Act 1990

Levelling Up and Regeneration Act 2023

National Planning Policy Framework National Planning Practice Guidance

APPENDICES:

Appendix 1 – Local Enforcement Plan – June 2025