

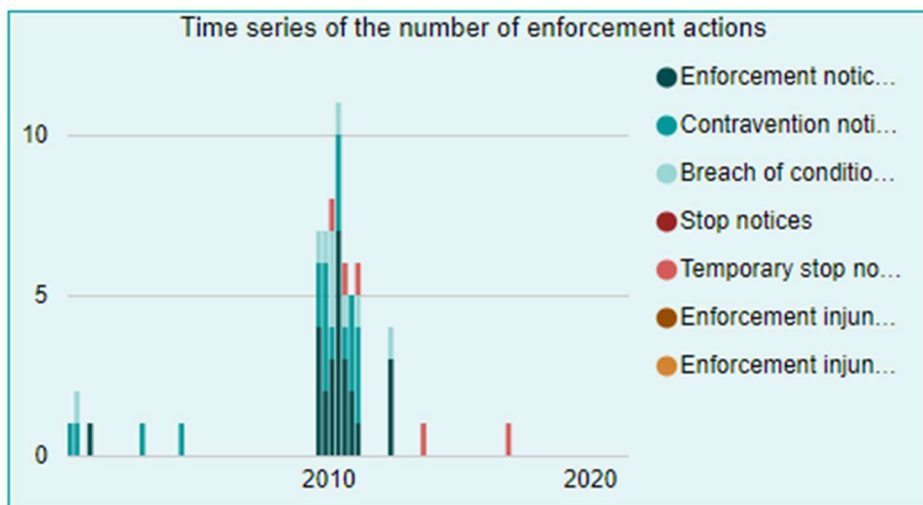
Place Overview Committee

11 November 2021

Public Questions and Responses

From: Mr Stephen Mulloy

- (1) At the last meeting, the committee was informed that Shropshire Council was near the top of any National tables for performance on planning enforcement. The data I have provided from the Ministry of Housing Communities & Local Government shows that Shropshire Council has no recorded enforcement action since 2016 and are in fact in the lower end of National tables for performance. Could the Deputy Director of Place please clarify this discrepancy?



Source: Ministry of Housing Communities & Local Government - Updated 23rd September 2021

Response:

In response to the question of performance, please see attached the slide showing the number of enforcement cases that formal action has been progressed during the last year. This is significant compared to other authorities and shows that the service is now dealing with matters quickly and robustly when appropriate to do so. Whilst we can provide Mr Mulloy with data over the last 10 years, the important part to note is how the service is now improving as it is now better resourced and is dealing with the more tricky older cases.

- (2) At the last meeting the Deputy Director of Place advised the committee that it was not illegal to carry out development without consent, however this is not strictly true. Sect 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990 makes it an offence to carry out unauthorised work on a listed building or for failing to comply with conditions attached to any consent. I know of one particular case where unauthorised work and a breach of planning conditions took place on a listed building near Shrewsbury. The breach was reported on two occasions by the local parish council, mentioned in two planning officers

reports for related development, and highlighted by a planning inspector in another report, yet officers took no action.

In addition Article 4 directions restrict development within Conservation areas that would be permitted development elsewhere. At the last meeting I sat here amazed that no one raised the issue of the widespread failure of residents in Conservation areas to comply with this direction, and as a result Conservation areas are becoming unrecognisable with UPVC doors and windows replacing historic features. So can I ask:

- (a) If this local planning authority cannot get it right for listed buildings, how can we have any confidence in planning enforcement for the rest?
- (b) Can I ask the Deputy Director of Place what she intends to do to reverse the decline in the appearance of Conservation areas?

Response:

It is not an offence to carry out development without planning permission, unless there is formal enforcement action or the property is listed. Furthermore, demolition in a Conservation Area is also an offence. In terms of replacing windows and doors, this only needs consent in conservation areas if an Article 4 is in place specifically restricting the replacement of doors and windows, or it is a commercial property that has an elevation that would be materially affected. The planning service does not restrict development that does not need planning permission lightly by removing permitted development rights or imposing Article 4 directions. The majority of residents in this country have permitted development rights and the reason to remove those should be in exceptional circumstances. Furthermore, conservation areas do not stand still, but change and develop over the years.

From: Mr Paul Wiseman

- (1) The Assistant Director of Place says that officers rely on neighbours and parish councils to advise them of breaches of planning conditions. However, many planning conditions are not visible, a good example being drainage conditions which are underground. As officers do not routinely check drainage conditions, building inspectors have no power to enforce conditions and must approve a scheme if it meets the minimum standards in building regulations, and any breach would not be visible to neighbours or parish councils, can I ask the Deputy Director of Place why she ignores this issue which surely contributes to flooding and continues to record these conditions as discharged on the local land charges register which is false representation?
- (2) Observing the last meeting online I noticed that a question was asked about planning conditions being recorded on the local land charges register without being checked, and the council charging a fee for this information and certifying it as correct when they cannot know it is...because they haven't checked. In response the Assistant Director of Place said that conditions are discharged

through a formal submission, but what she did not explain is that this is theoretical i.e. plans are approved and it is down to the integrity of the applicant whether or not they comply with the approved plans because no checks are carried out.

So, just to clarify, will she be ensuring that all planning conditions are either checked by officers or certified as satisfied by the applicant, with a warning about false certification, before entry on the Local Land Charges Register, or alternatively stop charging for the searches of the Local Land Charges Register and advise conveyance solicitors that the information cannot be certified as accurate because no checks have been carried out?

Response:

Discharge of conditions applications' are required to be submitted to discharge conditions imposed on planning applications. If the details submitted are accepted, the condition is defined as discharged. The applicant is then expected to carry out the works in accordance with the approved plans.

If a representation is received to indicate that the works have not been carried out in accordance with the approved plans, then the Council's enforcement officers investigate the complaint. This may be from information submitted by the public and /or town and parish councils. If there are concerns about drainage, then we will appoint the relevant expertise to assist in the assessment of the works if needed.

The process that Shropshire Council takes in following up any discharge of conditions applications is similar to other councils. Councils do not have the capacity to chase up on all conditions and therefore rely on information from the public if there are concerns.

Local land charge searches are being done in the same way as they have been previously.