
Local Planning Enforcement Plan 2025

Committee considering report:	Executive
Date of Committee:	6 November 2025
Portfolio Member:	Councillor Denise Gaines
Report Author:	Laura Callan
Forward Plan Ref:	EX4735

1 Purpose of the Report

- 1.1 The purpose of this report is to seek approval from Executive to carry out public consultation on the Draft West Berkshire Council Local Enforcement Plan. The Local Enforcement Plan is not a statutory requirement, but it is an important document which sets out the objectives and priorities of the planning enforcement service and provides information and guidance for residents, developers and other interested parties, on how complaints about unauthorised development are handled. It identifies priorities for enforcement action which will inform decisions about the investigation process and when enforcement action will be taken.

2 Recommendation

- 2.1 To approve public consultation on the Draft West Berkshire Council Local Enforcement Plan 2025.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	No financial implications. The plan is designed to be implemented using existing resources.
Human Resource:	No human resource implications. The plan is designed to be implemented using existing resources.
Legal:	None.
Risk Management:	The updated Enforcement Plan alters the priority for investigations and is designed to ensure breaches that have the potential for most impact are prioritised for investigations

	which reduces the risk of harmful and irreversible development occurring.			
Property:	None			
Policy:	The Enforcement Plan is not a statutory requirement but national planning practice guidance supports the use of such plans.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The update to the Enforcement plan sets out the Councils approach to planning enforcement investigations and would not significantly alter service provision. As such it would have a neutral impact upon inequality.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		The updated enforcement plan would not have disproportionate impacts upon the lives of people with protected characteristics.
Environmental Impact:	X			Implementation of the enforcement plan has the potential for positive impacts upon environmental outcomes where it secures high quality development and compliance with policy requirements.

Health Impact:	X			Implementation of the enforcement plan has the potential for positive impacts upon health outcomes where it secures high quality development and compliance with policy requirements.
ICT Impact:		X		Implementation of the enforcement plan will utilise existing digital processes.
Digital Services Impact:		X		Implementation of the enforcement plan will utilise existing digital processes.
Council Strategy Priorities:	X			The updated enforcement plan aligns with the Council's Priority 1. Services we are proud of. It sets out how decisions will be made and therefore provides transparency of decision making and accountability. The changes ensure operational effectiveness within the parameters of available resources.
Core Business:		X		The Enforcement Plan update is considered business as usual.
Data Impact:		x		The updated plan will not result in different or additional data impacts.
Consultation and Engagement:	There is no statutory requirement to carry out public consultation on the Local Enforcement Plan and no public consultation has been carried out.			

4 Executive Summary

- 4.1 This report seeks approval to carry out public consultation on the updated West Berkshire Council Local Enforcement Plan 2025.
- 4.2 The Council's current plan was approved in 2022. The plan has been refreshed and modified to update the priority classification to ensure that efforts are focussed on the most significant breaches and to carry out initial assessment in a more timely way.
- 4.3 The main changes to the plan comprise the re-prioritisation of investigation types to include an urgent category 1, with investigation undertaken within 2 working days and an additional category 4 introduced for low priority investigations unlikely to result in harm.

- 4.4 A local enforcement plan is not a statutory requirement but is considered a useful tool to guide enforcement investigations to provide consistency and transparency in decision making.
- 4.5 It is therefore recommended that the Executive approve the consultation on the Draft Local Enforcement Plan 2025.

5 Supporting Information

Introduction

- 5.1 This report seeks approval from the Executive of the updated West Berkshire Enforcement Plan 2025. The current enforcement plan was last updated in 2022. An enforcement plan is not a statutory requirement but it is a useful tool to set out how the Council will address breaches of planning control.
- 5.2 Whilst planning enforcement action is discretionary, the duty to investigate an alleged breach is not. The national planning policy framework and national planning guidance provides that enforcement activity should be 'proportionate' and suggests publishing a local enforcement plan.
- 5.3 It is therefore considered an appropriate and useful tool to set out the Council's approach to planning enforcement investigations and provides a framework to guide such investigations and action.

Background

- 5.4 The Council's planning enforcement service comprises two Enforcement Officers and on average 60 enforcement complaints are received per month. This results in a significant workload and the need for a clear framework of prioritisation to ensure that Officer time can be focussed on those breaches which have the potential to result in most serious impacts.
- 5.5 Many alleged breaches of planning control result in the submission of a planning application to regularise the breach. An average of 50% of enforcement complaints received are found not to be a breach of planning control or not expedient to take enforcement action because there is no unacceptable harm to amenity arising or it is policy compliant development. The minority of investigations result in the service of enforcement notices because in most cases, the Council will encourage the submission of a planning application and/or a negotiated compliance which is the most effective way to remedy breaches of planning control. This is also in accordance with national guidance and best practice.
- 5.6 A breach of planning control is not a criminal offence and there are no immediate fines or penalties that can be imposed when a breach is established. It is only when a notice is served, and the compliance period or requirements are not adhered to that the Council can consider the expediency of prosecution through the courts. Planning enforcement processes are lengthy, with a right of appeal to the Planning Inspectorate against enforcement notices which can take a considerable amount of time to reach a

decision, or through the courts in some circumstances. Enforcement appeals generally take much longer to reach decision than planning application appeals. In June 2025 written representation enforcement appeals took on average 71 weeks to reach decision. As such, a negotiated compliance through remedying the breach, or through consideration of a planning application allowing the full impacts to be assessed and conditions and mitigation secured, can be a more efficient way of dealing with breaches and have better outcomes.

- 5.7 In circumstances where there is a significant level of planning harm, stop notices or injunctions can be issued but there is a high bar to reach to justify this action and as such, these are used only in the most significant circumstances. Stop notices can have immediate and significant consequences to individuals or businesses and the Council must ensure that there is a justifiable benefit arising in terms of safeguarding amenity or public safety. Both injunctions and stop notices can be challenged by way of application to the High Court for judicial review which is a lengthy and costly process for all parties. There are financial implications for the Council should a stop notice be quashed, varied or withdrawn as compensation may be payable. As such there must be a proportionate and considered approach to this type of action.
- 5.8 Notwithstanding the discretionary nature of the planning enforcement service, expectations are high among elected members, residents and stakeholders and there is significant pressure to serve an enforcement notice in the event of unauthorised development. It is acknowledged that resolving breaches through negotiation causes frustration as residents feel that the Council is not acting robustly, but this is usually the fastest way to resolve the breach. The fact that a breach has been undertaken without planning permission is not a material consideration that can be taken into account through the planning application process.
- 5.9 Despite the constraints of the planning enforcement system, willful breaches of planning control are not condoned by the Council and it is important to maintain public confidence in the planning system. However enforcement action can place significant financial pressures on both the Council and landowners particularly in cases that are progressed through the court system which can take many months, if not years to resolve and which require legal representation. There are existing pressures on the Council's revenue budget arising from recent complex appeals, challenges to the adopted Local Plan, further policy requirements and implementation of planning reforms. Enforcement action must be balanced with what is reasonable, proportionate and achievable within available resources, ensuring undue financial pressure is not placed upon the Council and public funds are used appropriately to secure the best outcomes for the district.
- 5.10 The Enforcement Plan 2025 is therefore drafted with this in mind, to prioritise investigations which have the potential for significant impacts. Those breaches which are likely to comply with the development plan or that result in limited or no harm, to be given a lower priority. It will also demonstrate transparency in decision making, showing a clear rationale as to why some issues raised are not planning breaches and so cannot appropriately be treated as such through our process.

Proposals

- 5.11 The plan has been modified to update the priority classification to ensure that efforts are focussed on the most significant breaches and to carry out initial assessment of those breaches in a more timely way. Updates and modifications to the current plan (2022) include the following.
- 5.12 The prioritisation of cases has changed from 3 categories to 4. This is due to a high number of cases falling within category 2 which meant that the prioritisation system did not work effectively. Category 1 is now identified as urgent where investigation is undertaken within 2 working days. Category 4 has been introduced for low priority cases which are unlikely to result in unacceptable harm and therefore will only be investigated when resources allow.
- 5.13 Initial assessment timescales have changed from 5-20 working days in the previous plan to 2-15 working days in the updated plan. This means that more significant breaches will be initially assessed more quickly however less serious breaches may now have a lower priority and take longer to be assessed.
- 5.14 Untidy land and potential S215 notices will now be category 4 and service of any S215 notice will be subject to availability of resources.
- 5.15 Breach of construction phase emergency plans or breach of conditions relating to these emergency plans will be a category 1 priority as ongoing works can present an immediate threat to public safety and the opportunity to enforce or ensure works cease will pass quickly.
- 5.16 Breach of operational phase emergency plans or related conditions will be category 2 as although a public safety concern, they are not as time critical as construction phase plans.
- 5.17 The plan identifies that all investigations will be carried out thoroughly and accurately in accordance with the following priorities:

Level 1 - Urgent Action (Initial Assessment within 2 working days)

Alleged/potential breaches of planning control where there is a risk of substantial and irreversible impacts on the environment or local community. This may include, for example:

- Damage or felling of TPO trees;
- Ongoing unauthorised works to a listed building or demolition in a conservation area;
- Setting up of an unauthorised caravan site where there is an imminent risk of residential occupation;
- Developments which result in significant danger to the public;
- Failure to produce, agree and comply with a construction phase emergency plan and construction work is continuing.

Level 2 – High Priority (Initial Assessment within 15 working days)

Alleged/potential breaches of planning control where there is a risk of significant impacts on the environment, and/or significant public interest. These will be cases which are less immediate than Level 1, but where a prompt response is required. This may include, for example:

- Breaches causing significant pollution or traffic hazards;
- Potential harm to listed buildings;
- Breaches causing significant ongoing local disturbances;
- Breaches of condition on major development sites (10 or more dwellings, 1,000sqm or more of floorspace or a site area of 1ha or more)
- Significant breaches where there is a risk of imminent immunity from enforcement action;
- Failure to produce, agree and comply with an operational phase emergency plan.

Level 3 – Standard Priority (Initial Assessment within 40 working days)

Alleged/potential breaches of planning control where there is a risk of planning harm. This will be the priority level for the majority of enforcement cases, and will normally include the following:

- Breaches that are likely to remain stable and that are unlikely to give rise to any severe or lasting harm to amenities;
- Householder developments;
- Fences, walls, gates and other means of enclosure;
- Breaches of condition on non-major developments;
- Unauthorised material changes of use.

Level 4 - Low Priority (Over 40 working days or not expedient to investigate)

Alleged/potential breaches of planning control which are unlikely to result in harm and/or are trivial in nature. For example:

- Satellite dishes and flues;
- Building-mounted solar panels;
- Commercial adverts (not harming public safety);
- Temporary breaches;
- Untidy sites;
- Proactive internal referrals from other services within the Council.

Initial desktop study to include previous planning application(s) and/or enforcement investigation(s), establish if Permitted Development Rights are intact and use of online imagery. The outcome will either be an escalation of priority, or closure of the investigation.

- 5.18 The categorisation focusses on the potential for planning harm which refers to the negative impacts that an unauthorised development may have on amenity, in the public interest. This can involve issues such as impact upon neighbouring or visual amenity, noise, loss of light, harm to highway safety, environmental harm or other safety considerations.
- 5.19 The previous Enforcement Plan priorities and timescales were Level 1 – 5 working days, Level 2 – 20 working days and Level 3 - 30 working days.
- 5.20 The change to the prioritisation categories and timescales enables more serious breaches to be assessed more quickly and efforts concentrated on the most serious breaches of planning control.

6 Other options considered

- 6.1 There is the option to continue to work to the current 2022 Enforcement Plan. However, for the reasons set out within this report, this would not result in the most efficient and effective use of resources.
- 6.2 An enforcement plan is not a statutory requirement and there is therefore the option to no longer work to an approved plan. This would result in a less efficient and transparent way of working which would not result in good customer service. This option is not therefore recommended.

7 Conclusion

- 7.1 It is recommended that the Executive approve public consultation on the Draft Enforcement Plan.

8 Appendices

- 8.1 Appendix A: Equity Impact Assessment
- 8.2 Appendix B: Draft Enforcement Plan 2025

Background Papers:

[West Berkshire Enforcement Plan 2022](#)

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>

Local Planning Enforcement Plan 2025

Considered or reviewed by one of the Council's Scrutiny Committees or associated Task Groups within the preceding six months

☐

Item is Urgent Key Decision

☐

Report is to note only

☐

Wards affected: All

Officer details:

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West Berkshire Council
Equity Impact Assessment

TEMPLATE

March 2023

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Section 1: Summary details

Directorate and Service Area	Planning Service
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Enforcement Plan (2025)
Is this a new or existing function or policy?	Existing – updated
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	<p>The Plan sets out the approach to enforcement investigations. If a breach is established and a planning application submitted, appropriate considerations are given to Equality impact and Human rights as part of the application process. This is the same for any decision to take enforcement action as it forms part of the expediency considerations on a case by case basis.</p> <p>Planning Enforcement concerns the use of land, and the enforcement priorities are related to the use of land and not individuals and seeks to achieve a consistency and transparency in decision making. As such, there are no elements of the plan that would indicate disproportionate impacts upon disadvantaged individuals or groups within the community.</p>
Completed By	Laura Callan
Authorised By	
Date of Assessment	10.09.2025

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>An enforcement plan is a recommended approach to planning policy identified by national planning policy practice guidance.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The update to the policy in the main is regarding the priority for investigation and is related to land use and planning harm with timescales for investigation identified.</p>
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our</p>	<p>No public consultation has taken place. This plan has been updated from previous policy and the changes have been informed by working practices and cases to which previous policy has been applied.</p>

Equity Impact Assessment

ability to deliver our climate commitments.	
<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>This plan has been updated from previous policy and the changes have been informed by working practices and cases to which previous policy has been applied. The absence of an enforcement plan would have greater risk of disproportionate impacts due to lack of a framework to guide investigations and transparency in decision making.</p>

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Displaced communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Care experienced people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
The Armed Forces Community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	10.09.2025
Person Responsible for Review	Laura Callan
Authorised By	

EDI employee related EQiA's should now be sent to Human Resources hrenquiries@westberks.gov.uk