

## Appendix 1: Case study: Remedial works carried out as a consequence of enforcement action at Higgleddy Piggledy, Abbey Road, Llangollen

A1.1 The photograph to the right was taken on the 3<sup>rd</sup> May 2018 after Llangollen Town Council raised concerns about the building with the Service. The building is a Listed Building in a prominent position within Llangollen Conservation Area. It was formerly a townhouse but has a commercial use now.

A1.2 Upon inspection it was apparent that the building had been adorned with unauthorised plastic signage and a satellite dish. It had also been badly neglected, with render and paint peeling off its walls and panes missing from its windows.

A1.3 After several months of informal negotiation, it became apparent that this approach was not going to secure remedial action. Accordingly, the Service proceeded with enforcement action on the 18<sup>th</sup> August 2018. The owner of the premises was issued with enforcement notices requiring them to carry out the following works within four months:

- (i) Remove the three signs;
- (ii) Remove the satellite dish and associated equipment; and
- (iii) Carry out the following works to the front (south) elevation of the building:
  - a. Dispose of any redundant technological apparatus and cabling;
  - b. Repair the render where blown or added and thereafter repaint the walls in a colour to match the existing;
  - c. Repair the second-floor window by replacing any broken window panes;
  - d. Repaint, in a colour to match the existing, the second-floor window sill and the first- and second-floor window frames;
  - e. Where damaged, repair and repaint, in a colour to match the existing, the bay feature to the ground and first floors; and
  - f. Repaint, in the colour black, the porch roof.



A1.4 A site inspection on the 7<sup>th</sup> November 2018 revealed that the required works had been carried out in full, as illustrated in the photograph to the right. The owner decided to sell the premises so that someone new could be responsible for its custodianship.

A1.5 So as not to unreasonably impede the reoccupation of the building as a business premises, the Service has advised the owner of the premises that new signage would be acceptable on the building so long as its design conserves or enhances the special character of the building and the surrounding Conservation Area.



## Appendix 2: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

- A2.1 The performance of the compliance function is measured by both Welsh Government and internally by the Service. In June 2017 the Welsh Government took the decision to overhaul the performance indicators it uses so as to improve their efficacy; the previous indicators were too readily affected by the recalcitrance (or otherwise) of contraveners. Given that it measures an element of performance which is largely within authorities' control, one indicator from the previous regime—the percentage of cases investigated within 12 weeks—has been carried over and continues to be monitored. The remainder of new indicators have been brought in only recently and then further refined in October 2018.<sup>1</sup> As a consequence of this, there is currently little value in making use of them to assess performance.
- A2.2 Given the above, performance is assessed primarily through the Service's own indicators for the purpose of this report—see Table 2, overleaf. In addition to the indicators shown in Table 2, the Service has introduced further performance indicators relating to the recently adopted Corporate Plan, specifically devised to assist with the implementation of the 'Environment' and 'Housing' corporate priorities.
- A2.3 The indicators the Service uses to monitor the compliance function's contribution to the delivery of the Corporate Plan are illustrated in Table 1, below. For the most part these indicators have not been in place for long enough to allow meaningful conclusions to be drawn, hence their exclusion from Table 2.

Table 1: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

Action	Objective	Measurable target
Bring empty homes back into use.	Contribute to achieving the target, expressed in the Empty Homes Delivery Plan, of bringing 500 empty homes back into use.	In 100% of compliance cases pertaining to empty homes; unless the homeowner is untraceable, implement 'positive action'.
Secure commuted sums.	Contribute to corporate priorities on housing and communities by securing the payment of commuted sums which are required by planning conditions.	In 100% of cases where a breach has been identified; secure the payment of the commuted sum(s) or submit instructions to prosecute within 180 days of a breach being identified, unless the original applicant is untraceable.
Tackle the County's most harmful eyesore sites.	Contribute to the function of the eyesore sites group to remedy the visual harm being caused by identified problem sites.	In 80% of cases; remedy the visual harm being caused by eyesore sites within the five-year project cycle.
Tackle untidy land.	Contribute to the attractiveness of the local environment, as per the priority expressed in the Corporate Plan, by prioritising reported cases of untidy land.	In 80% of cases; remedy the visual harm being caused by the untidy land within 180 days.

- A2.4 Table 3, below, shows how Denbighshire's planning compliance function compares to those of a number of other authorities. The table shows certain data which are not collected by Welsh Government, so other authorities' presence within the table was dependent on their response to a request from Denbighshire for the relevant statistics.

<sup>1</sup> See <https://gov.wales/topics/planning/policy/dear-cpo-letters/timely-use-of-enforcement-powers/?lang=en> for further information.

Table 2: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19

Period	2016-17		2017-18				2018-19	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
<b>Caseload</b>								
Reports of alleged breaches received	46	55	49	52	33	35	40	49
<b>Investigation</b>								
Average time taken to investigate cases (weeks)	2.9	8.1	8.1	10.9	11.0	6.0	11.3	8.3
Percentage of cases investigated within 12 weeks <sup>2</sup>	96	91	96	92	87	82	81	77
<b>Formal enforcement action</b>								
Enforcement notices issued	2	4	5	10	5	4	7	12
Appeals made	0	1	1	0	0	0	0	2
Appeals upheld	0	0	0	0	0	0	0	0
Enforcement notices not complied with	1	1	1	3	3	2	1	0
Cases taken to prosecution for non-compliance	0	1	0	0	1	0	0	0
Cases resolved by the Council carrying out works in default	0	0	1	0	0	0	0	0
Enforcement notices not complied with and not followed up <sup>3</sup>	1	0	0	3	2	2	1	0
<b>Cases resolved</b>								
Percentage of cases resolved in 180 days	74	70	87	73	88	56	59	63
Percentage of 'untidy land' cases resolved in 180 days	50	55	83	64	100	75	75	71
<b>Formal complaints</b>								
Formal complaints about the compliance function received	0	0	2	1	2	1	1	0
Formal complaints upheld	0	0	0	0	0	0	0	0

Performance key:

<span style="display:inline-block; width:15px; height:10px; background-color:#92d050; border:1px solid black;"></span> Good
<span style="display:inline-block; width:15px; height:10px; background-color:#f1c232; border:1px solid black;"></span> Fair
<span style="display:inline-block; width:15px; height:10px; background-color:#e74c3c; border:1px solid black;"></span> Improvement required
<span style="display:inline-block; width:15px; height:10px; background-color:#d9d9d9; border:1px solid black;"></span> Not applicable

<sup>2</sup> The Welsh Government measures this performance indicator across all Welsh authorities According to the Welsh Government's most recent Performance Framework, available at <https://gov.wales/topics/planning/planningstats/performance-framework/january-to-march-2018/?lang=en>, Denbighshire places 16<sup>th</sup> out of the 22 authorities.

<sup>3</sup> Not followed up either with prosecution or through carrying out works in default.

Table 3: The performance of the planning compliance function from Q3 of 2016-17 to Q2 of 2018-19 benchmarked against other authorities in Wales

Period	2016-17		2017-18				2018-19	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
<b>Caseload per officer</b>								
Ceredigion	247 (493 ÷ 2)							
Conwy	167 (628 ÷ 3.75 <sup>4</sup> )							
Denbighshire	359 (359 ÷ 1)							
Wrexham	504 (1008 ÷ 2)							
<b>Percentage of cases investigated within 12 weeks</b>								
Ceredigion	91	94	97	98	98	97	—	—
Conwy	98	98	98	99	100	97	—	—
Denbighshire	96	91	96	92	87	82	81	77
Wrexham	100	100	96	92	77	70	—	—
Wales average	83	85	86	85	84	80	—	—
<b>Enforcement notices issued</b>								
Ceredigion	18							
Conwy	6							
Denbighshire	49							
Wrexham	25							
<b>Enforcement notices not complied with and not followed up</b>								
Ceredigion	4							
Conwy	2							
Denbighshire	9							
Wrexham	2							

Performance key:

<span style="display:inline-block; width:15px; height:10px; background-color:#66b266; border:1px solid black;"></span> Good
<span style="display:inline-block; width:15px; height:10px; background-color:#f1c232; border:1px solid black;"></span> Fair
<span style="display:inline-block; width:15px; height:10px; background-color:#e74c3c; border:1px solid black;"></span> Improvement required
<span style="display:inline-block; width:15px; height:10px; background-color:#d9d9d9; border:1px solid black;"></span> Not applicable

<sup>4</sup> Conwy had four officers up until Q1 of 2018-19, and now has three.

**Appendix 3: Mechanisms employed to streamline case-handling processes**

A3.1 The Service has responded to recent years' reductions in staff resource by streamlining case-handling processes, as follows:

- Introducing the 'report a breach of planning' form.<sup>1</sup> This encourages complainants to provide the breadth of local knowledge needed for a swift and effective investigation. It also filters out complaints which are unrelated to planning or trivial, reducing caseload;
- Refusing anonymous complaints. This reduces caseload but also allows officers to confer with complainants to gain an understanding about breaches and get updates on the progress of remedial action—thus reducing the need for time-consuming site visits;
- Managing complainants' expectations—for example, by providing information about procedures and timeframes at the acknowledgement stage;
- Overhauling the standard letters which are sent to contraveners to make them less adversarial in tone;
- Cutting down on informal negotiation prior to proceeding with enforcement;
- Making use of new powers such as that to issue Enforcement Warning Notices;
- Overhauling back-office systems to enable faster generation of written communications; and
- Amending the scheme of delegation to allow officers to issue formal notices without first having to report to the planning committee.

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<sup>1</sup> Available in hard copy and online via <https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/report-a-planning-breach-online.aspx>.