

Dear Mr Wills and Members of Coffinswell Parish Council,

Thank you for your letter received Wednesday 7 July 2021.

I have read it carefully and have summarised the points you raise as:

1. Concern over determination times for applications for planning permission
2. Concern that Parish comments are not being taken into account
3. Concern regarding Enforcement processes and procedures

I have responded to these in turn below.

1. Concern over determination times for applications for planning permission

I can see that my team has highlighted the severe pressure we, as all local planning authorities, are under at present that is causing some applications to have not yet been determined. I hope you can see the graphs in the attached news piece that demonstrates the volume of applications that LPAs are dealing with nationally over and above the expected norm <https://blog.planningportal.co.uk/2021/06/21/are-we-seeing-the-end-of-the-post-pandemic-application-submission-boom/#more-7557> - and this is before any operational difficulties around working from home, balancing competing demands during a pandemic and resourcing are taken into account. In response, we have introduced a number of measures and changes to our processes that are speeding things up to a degree and we do still meet the governments targets in terms of determining applications within their targets or within agreed extensions of time overall however we would of course all like to be making swifter progress on this and we continue to endeavour to do all we can.

In relation to sites where applicants have / may have commenced development in advance of receiving planning permission, this is certainly not something I would encourage and any such activity would always be at the owner's risk as there is a possibility enforcement action would be taken. We would not normally instigate any formal enforcement action whilst planning applications are undetermined as this would not be in the public interest however there may be circumstances where this could be appropriate. I will raise the two sites you mention with colleagues and ask that they remind the site owners of their risks.

You mention a couple of times in your letter that you haven't received a response from us – do you mean that applications in your parish have not been determined as I do not have any outstanding correspondence of which I am aware?

I also cannot see that any specific questions or queries the Parish has raised have been unexplained – we simply have more applications to process than the current staffing levels can promptly determine and there is therefore a backlog of cases to be assessed and decided. My team is working extremely hard at the moment to issue decisions in very difficult circumstances – we issued a record number of decisions last month – and we continue to endeavour to determine applications in accordance with planning law, policy and guidance and have the public interest in mind when we do so. Our performance is scrutinised by our responsible Executive Member on a monthly basis and reported quarterly

to our Overview and Scrutiny committee as well as nationally through data returns and can these reports can be reviewed both on TDC's website and on the Government's live tables if your community is interested.

Please do let me know if there are specific concerns around our general performance or process, as opposed to questions regarding applications in Coffinswell, that your parishioners have and I will address them where I can.

2. Concern that parish comments are not being taken into account

I have undertaken an "advanced search" on our website for applications determined since January this year in Coffinswell.

<https://www.teignbridge.gov.uk/planning/forms/advanced-planning-search/?d=u1EyNVFbAMHljPsD2LjtNQ%2fO3kkrXr4XwKRsuWq2hM%2fidbo4wGvmMIENn%2bpiW4%2f1oaReYk1P%2fmfPMupwC2vhuPD6y1EkSTV2sazCWQF%2b%2bUB4GajkLResgvH2KlekptemJq23QzJghV9TRbhCKvOp27VLT%2fm3DmlYesAqu7DgQ3QE%2fKdswwqFBBIzZoCndebyxOSQ5w9jMZb8bltnuzy8s8IVKRD0ongvcaD34CnwBXDzyu5RM9nViVbjg6Y3vli3PoD1R2eMwEvNVf749V51Rv7cSQNkiqxfVip1xB%2fvTEG3bRhxKWsXecOyBSToT1%2fLoqk0xgeLiE5pyqWILpszhRSN7bccbJ17eFXqP%2f1Mnp5HbvnKwFhviiVj2ZiUA4Mb1yykZNBByrFf3CBVAuPWindfQUcAvQoQnQk9xZW1AgUEXXFNbpLsYviA%2fEsYgYtdblRn9Al062RlxLhZ40%2bsCtKEy7aNqOQIMZ%2fv8HSueCC%2bnK1Y1xGiP7kiDsmvYUvFa4d9bynXu0UnhwdU5eWwSfXgAEY6%2bUWL83HxJLVw%3d>

I can see that two recent decisions where Coffinswell PC comments to "support" proposals were not recorded as such in the Officers' report. From what I can see from our internal files, this was an administrative oversight. The Parish Council view coincided with the view of officers that the proposals merited the grant of planning permission and that is what happened in each case. I have flagged this error with my Support Manager and they will speak to their team to ensure this process error is reviewed. We absolutely value and welcome the contribution our Parishes can make to the planning process through your local knowledge and we want to hear your views.

I am sorry for the impression this gave.

3. Concern regarding Enforcement processes and procedures

Finally, with regard to enforcement matters, it is not the case that we have any kind of selective or relaxed approach to enforcement however we are clear that enforcement action has to be expedient and in the public interest. We will not take enforcement action against something for which planning permission would most likely be granted. The Government's guidance on this states:

"When might formal enforcement action not be appropriate?"

Nothing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.

In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- *there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;*
- *development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;*
- *in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where [planning conditions may need to be imposed](#).”*

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

This is the approach we try and take – enforcement action is not intended to be a punishment for not following due process but should remedy undue harm where it exists.

We notify TDC Councillors on a monthly basis of all cases we have closed in that month and therefore whilst enforcement action is necessarily confidential until the point where we do take formal action, your Teignbridge Councillors (Cllrs Cook and Haines) are kept informed of our position and are able to make representation to us if they believe something has been closed erroneously.

Similarly, if we have closed a case but circumstances at a site change so as to warrant it, we would of course reopen a case if we receive new information or information regarding such changes – the best way to do this is through our online forms at www.teignbridge.gov.uk/planningenforcement where you can also see our enforcement policy and plan.

In noting your next meeting takes place tomorrow evening, I have sought to provide a prompt response to the questions you raise however if I have misunderstood or misinterpreted what has been asked, I would be happy to discuss matters with you further – perhaps over the phone?

Kind regards

Ros

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