

COUNCIL – 10 DECEMBER 2025

PUBLIC QUESTIONS

Question 1	Anthony Barrett to ask Cllr Ben Crystall, Leader of the Council
Please could you advise me of the detailed organisation structure of EHDC's Planning and Enforcement Division and is it adequately and sufficiently staffed for the workload that it faces?	
Response from Cllr Ben Crystall and Cllr Vicky Glover-Ward	
<p>Councillor Crystall advised that the question related to the operations of planning and that a response would be provided by Councillor Vicky Glover-Ward.</p> <p>Councillor Glover-Ward advised that the place directorate included the planning functions of the Council, as the Local Planning Authority as well as other regulatory functions such as Environmental Health. The planning team was broadly divided into two service areas, place shaping and place delivery. Firstly, the place shaping team, comprised a Planning Policy Team and also the Conservation and Design Team. The Planning Policy Team undertook all work associated with developing new planning policy. The Conservation and Design Team supported the planning policy function and also provided specialist advice to the Place Delivery Team. Secondly, the place delivery team dealt with the development management functions of the Council and also planning enforcement. This was the team that dealt with all planning related applications and breaches of planning control. Alongside the Place Delivery Team was the Technical Planning Team, who supported the administrative functions associated with planning validation, appeal work and other related tasks.</p> <p>The Local Planning Authority received approximately 3,000 applications per year. In 2024-25, this comprised of 850 household or minor applications, 28 major applications, 581 requests to discharge plan conditions and 470 pre-application requests. The Council was one of the busiest districts in the county in terms of volume of applications. The Council was also responsible for one of the largest garden towns in the country at Gilston.</p> <p>The Planning Delivery Team was managing a number of vacancies at senior officer level, which were being covered with agency staff. This had been a trend at East Hearts for a number of years and mirrors the</p>	

national trend, where over 96% of local planning authorities reported shortages at senior planning officer levels, partly caused by current and also previous training shortfalls. The Council had taken various measures over the years to recruit to permanent members of staff, however, like other council planning departments across the country, with limited success. In terms of meeting key performance indicators set by Central Government, the Council was performing very well and to achieve this, the Council made use of extension of time agreements. Specifically in terms of planning enforcement, the Council has a small enforcement team of three enforcement officers and one compliance officer.

Whilst the Council was required to investigate reported breaches of planning control, enforcement powers were discretionary. Before taking any enforcement action, the Council must be satisfied that such action was the right thing to do, that it is in the public interest and that it is expedient. The Council's planning enforcement plan helps steer how reported breaches of planning control are managed. National planning guidance states that action should be considered in a proportionate way depending on the nature of the impact and in the interests of local public immunity, not that Council should take action against all unauthorised development.

The guidance is clear that formal action would not be appropriate 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. So, if development was acceptable on its planning merits and formal enforcement action would solely be to regularise the development then the Local Planning Authority would consider that an application is the appropriate way forward to regularise the situation. Where the Council does consider that taking action is expedient, various tools are available to the Council in seeking to address breaches of planning control. Seeking remedies without taking any formal action was often the quickest and most cost-effective way of achieving a satisfactory and lasting remedy. Various other tools were available including the serving of enforcement notices, stop notices and in some cases injunctions.

The key role of the Planning Enforcement Officers was as an investigator. For minor reported breaches of control, this can involve simple and quick desktop exercises, while more complex cases would require a considerably deeper investigation involving several site visits and work with other internal and external stakeholders.

In July 2023, the number of planning enforcement cases that the Council were dealing with was 646. This equates to 161 cases per officer. This rise was due to the COVID period where the number of open cases increased substantially. The workload at that time was too high. Over the past couple of years, the Planning Enforcement Team, helped by the wider Planning Team had brought the number of open cases down. As of November 2025, the total case number stood at 240. This amounted to 60 cases per officer. However, of those 240 cases, the vast majority were very complex cases that required considerable investigation to bring about a remedy or action.

Supplementary question from Anthony Barrett

Mr Barrett thanked Councillor Glover-Ward for the detailed response and advised that the reason for the question was to bring to the attention of Councillors that a number of significant planning issues had arisen in Little Berkhamsted and Bayford over the past few years, leaving public trust and confidence in the planning system severely eroded as a result.

Mr Barrett expressed concerns that EHDC planning enforcement did not appear to act against people who seemed to be acting unlawfully, highlighting that proper enforcement action was essential to restore confidence.

Mr Barrett highlighted an issue at Bucksbury Farm to illustrate where there had been a shortfall.

Question 2

Michael E Wainwright (Dr), Chairman of Bayford Parish Council to ask Cllr Ben Crystall, Leader of the Council

A development is currently underway in the parish for the installation of up to 40 luxury caravans on a site that is in the Green Belt and includes ancient woodland. This development does not have planning permission.

Together with the neighbouring Parish of Little Berkhamsted we have for months been asking East Herts Council to enforce a stop to these works but the Council has not yet done so. When will the Council do so?

Response from Cllr Ben Crystall and Cllr Vicky Glover-Ward

Councillor Crystall advised that a response would be provided by Councillor Vicky Glover-Ward.

Councillor Glover-Ward advised this site was currently the subject of a live planning enforcement case and an application for a certificate of lawfulness was currently under consideration.

Accordingly, there was very limited information that could be provided at this time without potentially prejudicing the processes associated with that live application and the ongoing planning enforcement investigation.

Councillor Glover-Ward advised that planning enforcement and officers, led by the Director of Place had met with Local Ward Members and Members of the Parish Council on two separate occasions and provided detailed answers to all of their questions. The Council had also sought legal advice from King's Counsel to support the assessment of the Local Planning Authority. The site had historically been used as a caravan site and the Council had records of this. The siting of caravans on the site, which had been used as a caravan site, did not amount to a material change of use. Furthermore, as long as any caravans bought onto the site accord with the definition of a caravan, which was set out in legislation, no operational development will have occurred. The planning enforcement file remains open and at the present time planning and enforcement officers were of the opinion that there had been no breach of planning control in terms of a material change of use of the land. This had been communicated to the Ward Councillors and representatives of the Parish Council in writing.

It was highlighted that the matter was however not straightforward. Case law had established that an intensification of the use may result in a material change of use of the land. The matter which remained under review and require an assessment on a fact and degree basis. Enforcement officers were monitoring the situation and would keep the position under review.

Councillor Glover-Ward advised that the Director of Place anticipated providing an update to herself and the Local District Councillor within the next week or so.

**Supplementary question from Michael E Wainwright (Dr),
Chairman of Bayford Parish Council**

Dr Wainwright highlighted that on 30 May 2025, an application was made for a certificate of lawfulness in respect of 40 caravans at Bells Wood, Bayford. The affected parish Council provided the planning authority with a legal opinion on the 18 July 2025. It was

noted that the planning authority stated that they would obtain their own legal opinion and on numerous occasions in emails and in teams meetings promised to share this information, however the legal advice has still not been shared and the decision on the application had not been issued.

Dr Wainwright asked when the Council would share its promised legal advice and when a decision on this matter could be expected?

Response from Cllr Vicky Glover-Ward

Councillor Glover-Ward confirmed that the Director of Place anticipated updating herself and the Local Member within the next week or so and expected that would provide further answers.

Question 3

Brian Connolly to ask Cllr Vicky Gover-Ward, Executive Member for Planning and Growth

Given the requirements of the National Planning Policy Framework (NPPF) and Sport England guidance to base policies on robust and up-to-date assessments of need for all forms of sport and recreation, how does the Council justify the exclusion of speedway and motorsport from the strategy, and will it commit to a full consultation with relevant stakeholders, including the speedway community and Rye House Stadium?

Response from Cllr Vicky Glover-Ward

The Sport England website identifies that there are approximately 200 recognised sports. In preparing the Playing Pitch and Outdoor Sport Strategy the Council took a proportionate approach, focusing on most common grassroots participation-based sports that promote physical activity and contribute to the health and wellbeing of the local community. This was consistent with advice from Sport England and the consultants KKP.

The Strategy will form an important part of the evidence-base for the New District Plan to help us understand existing sports provision and use supply and demand data to inform future planning policy and decisions. However, the New District Plan evidence base is iterative and will develop through-out the plan-making process. The endorsement of the Playing Pitch and Outdoor Sport Strategy does not preclude additional bespoke evidence being undertaken where there are local matters that arise and may need to be addressed. The Council can therefore explore this issue as part of the New District Plan Process.

Supplementary question from Brian Connolly

Mr Connolly thanked Councillor Glover-Ward for the response and highlighted that there was no mention of the National Planning Policy Framework which was very clear and binding.

Mr Connolly asked Councillor Glover-Ward if the Council's commitment to apply the NPPF in relation to Speedway and the precedent of the Coventry Stadium appeal decision from January last year?

Response from Cllr Vicky Glover-Ward

Councillor Glover-Ward confirmed that the council would comply fully with the NPPF and would take that on board in line with Sports England advice and other consultations.

Question 4

The Chairman asked Cllr Vicky Glover-Ward, Executive Member for Planning and Growth on behalf of Chris Williams

In preparing the Playing Pitch and Outdoor Sports Strategy, how has the Council fulfilled its Public Sector Equality Duty under the Equality Act 2010 in relation to the omission of speedway and Rye House Stadium, and what assessment has been made of the impact on equality of opportunity for groups who may be underrepresented in mainstream sports?

Response from Cllr Vicky Glover-Ward

The Strategy will form an important part of the evidence-base for the New District Plan to help us understand existing provision and use supply and demand data to inform future planning policy and decisions. The methodology KKP has used is robust, in accordance with Sport England's Guidance and where relevant has made use of demographic data on protected characteristics, for example sex and age. The document is a tool to inform future planning decisions and policy; it is not an action plan setting out how under-represented groups or those with protected characteristics can get into sport. Obligations under the Equalities Act may become relevant at the point of implementation. Planning decisions may need to assess and consider any impact of proposed development on any protected characteristics.

The new District Plan evidence base was iterative and would develop through-out the plan-making process. The endorsement of the Playing Pitch and Outdoor Sport Strategy did not preclude additional bespoke evidence being undertaken where there were local matters that arose and may need to be addressed.

