

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	20 May 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Planning Enforcement Activity Report – April 2024 to March 2025
REPORT NUMBER	CR&E/25/105
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Dineke Brasier
TERMS OF REFERENCE	5

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Planning Development Management Committee of the planning enforcement work that has been undertaken by the Planning Service from 1st April 2024 to 31st March 2025.

2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report.

3. CURRENT SITUATION

- 3.1 This report provides an annual update for the Planning Development Management Committee regarding the enforcement work that has been pursued by the Development Management Team in Strategic Place Planning.
- 3.2 Appendix 1 to this report identifies all planning enforcement cases which have been investigated with a view to determining whether a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved; and identifies those that have resulted in formal enforcement action or are currently still under investigation. The Appendix provides a summary of the complaint/alleged breach, an update of the current status as of 1st April 2025 and any related action.
- 3.3 The information demonstrates that the majority of cases raised during this reporting period have been resolved through negotiation and discussion, without the need to use formal enforcement action. In most circumstances, especially where householder related matters are concerned, the breaches tend to be relatively minor and may have taken place because the parties were unaware of the requirement for relevant permissions, including detailed planning permission, listed building consent and/or advertisement consent. In

many cases, the relevant permissions have been sought and were granted, thus resolving the breach.

- 3.4 A total of 224 new cases have been investigated between 1st April 2024 and 31st March 2025. This is a slight decrease from the 231 cases opened during the previous reporting year. The majority of these have been resolved without the need for formal action. Resolution of these cases fell into one of the following categories:
- Submission and approval of a retrospective application for detailed planning permission, listed building consent or advertisement consent;
 - By informal negotiation, resulting in the breach being rectified by the offending party;
 - Confirmation that no breach of planning control had occurred; or
 - Where the breach is minor, it would not be reasonable, economical or in the public interest to progress to formal action.
- 3.5 A total of 77 cases registered in the current reporting period are still pending consideration. Some of these cases might require formal enforcement action if negotiation proves unsuccessful and if the breach of planning control has resulted in a significant loss of amenity or threat to public safety.
- 3.6 A further 57 cases registered before 1st April 2024 are still unresolved and may require formal action to ensure a satisfactory outcome.
- 3.7 A total of 59 enforcement related notices have been served during the current reporting period. This figure covers cases registered both before and after 1st April 2024. This is a significant increase in comparison to the previous reporting period, in which a total of 21 enforcement related notices were served. A significant number of notices served are in relation to breaches in the City Centre reflecting the prioritisation of such cases in line with the Council's [Planning Enforcement Charter](#).
- 3.8 As with previous years, a significant percentage of complaints received are of a relatively minor nature, mostly householder cases. As these cases often do not relate to the priorities identified for action in the Council's Enforcement Charter (which are Union Street, properties in conservation areas, development involving protected trees or raising issues of public amenity or public safety) they are likely to be of a lower priority in terms of consideration of enforcement action, notwithstanding the statutory duty to investigate all enforcement complaints. However, these cases can give rise to very strong feelings amongst those affected, often taking up a significant amount of officers' time in investigating/resolving a dispute, disproportionate to the scale of the breach.
- 3.9 During this reporting period, the Enforcement Team has progressed putting in place a more formalised procedure for taking direct action to further strengthen the enforcement function of the Council. The [Planning Enforcement Charter](#) has been updated accordingly (see Appendix 2). It is anticipated that this option of pursuing formal enforcement action will be ready to be used where necessary, with a focus on the Council's priority areas in and around the City Centre in the next reporting period.

3.10 The following table provides a summary of the enforcement caseload since 1st April 2024, and divides the cases into new and those carried over from the previous reporting period. Figures stated are as of 31st March 2025.

New cases registered between 1 April 2024 and 31 March 2025	Cases resolved and no further action required	146
New cases registered between 1 April 2024 and 31 March 2025	Under investigation, being negotiated, or applications pending	77
Outstanding cases registered prior to 1 April 2024 (historic cases)		57
Enforcement related notices served		59

4. FINANCIAL IMPLICATIONS

4.1 There are no specific implications for revenue or capital budgets, property-based budgeting, or state aid arising from consideration of this report. Some costs may be incurred in pursuing direct action to secure compliance with an enforcement notice if necessary. Other costs include title searches relating to the serving of Enforcement Notices, which can generally be accommodated within existing budgets. Actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

5. LEGAL IMPLICATIONS

5.1 There are no legal implication arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no environmental implications arising from this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			N/A
Compliance	N/A			N/A
Operational	N/A			N/A
Financial	Financial costs may be incurred	The risk can be mitigated by ensuring	L	Yes

	should Enforcement Notices not be complied with and Direct Action is required and pursued.	there is funding available from the appropriate budget for direct action to be taken. In the event that direct action is required we will seek to recover all the costs of the required action from the landowner in accordance with the relevant legislation.		
Reputational	There may be a negative impact if the Council do not decide to proceed with enforcement action, particularly in the city centre.	Proceed with appropriate enforcement action where required.	L	Yes
Environment / Climate	An absence of enforcement action could result in adverse impacts on the built and natural environment.	Proceed with appropriate enforcement action where required.	L	Yes

8. OUTCOMES

<u>Council Delivery Plan 2024</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals in this report have no impact on the Council's Delivery Plan.
<u>Local Outcome Improvement Plan 2016-2026</u>	
Prosperous Economy Stretch Outcomes	The Council aims to support improvement in the local economy to ensure a high quality of life for all people in Aberdeen. This report monitors indicators which reflect current economic activity within the city and actions taken by the Council to support such activity.
Prosperous People Stretch Outcomes	The Council is committed to improving the key life outcomes of all people in Aberdeen. This report monitors key indicators impacting on the lives of all

	citizens of Aberdeen. Thus, the Planning Service will need to measure the effectiveness of measures already implemented, as well as allowing an evaluation of future actions which may be required to ensure an improvement in such outcomes.
Prosperous Place Stretch Outcomes	The Council is committed to ensuring that Aberdeen is a welcoming place to invest, live and visit, operating to the highest environmental standards. This report provides essential information in relation to enforcement related issues to measure the impact of any current action.
Regional and City Strategies	N/A

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with David Dunne, Chief Officer Strategic Place Planning on 5 June 2025
Data Protection Impact Assessment	Not required
Other	None

10. BACKGROUND PAPERS

10.1 [Planning Enforcement Charter](#)

11. APPENDICES

11.1 Appendix 1 – Enforcement Cases registered between 1 April 2024 to 31 March 2025.

11.2 Appendix 2 – Planning Enforcement Charter – March 2025

12. REPORT AUTHOR CONTACT DETAILS

Name	Dineke Brasier
Title	Senior Planner
Email Address	dbrasier@aberdeencity.gov.uk

