

PLANNING COMMITTEE – 1 JUNE 2021

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report follows on from the report that was presented to Members on 30th March 2021 which highlighted planning enforcement performance during the third quarter of 2020/2021. This report relates to the fourth quarter 1st January 2021 to the 31th March 2021 and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report also provides an appraisal of the financial year 2020/2021 as a whole.

Quarter 4 (2020/2021)

Members will note that the Planning Enforcement team continued to be busy over the fourth quarter of 2020/21, with a continuing positive trend that is demonstrated within Chart 1 which shows the number of enforcement cases received by the enforcement team in comparison to those that have been closed. The chart shows a continuing progressive increase in the number of investigations that have been closed as well as received, and demonstrates a clear return on the work of officers despite the challenges presented by the ongoing Covid situation and the resulting difficulties posed to resolving investigations.

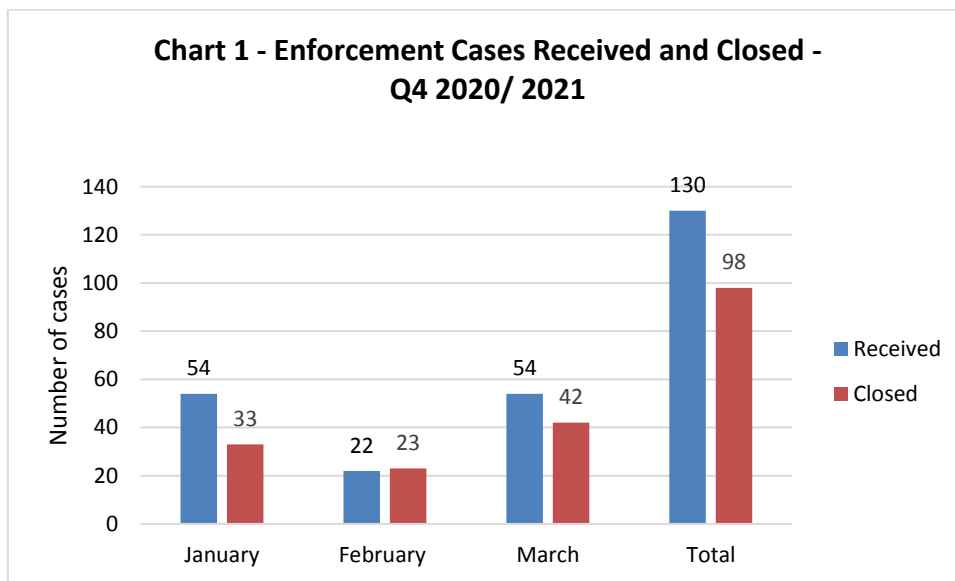
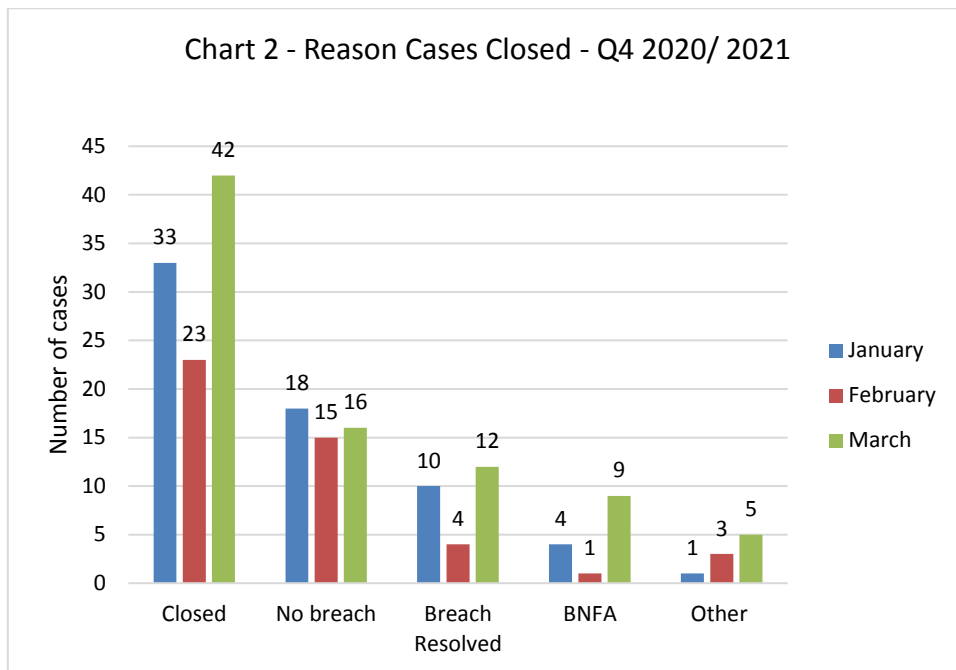
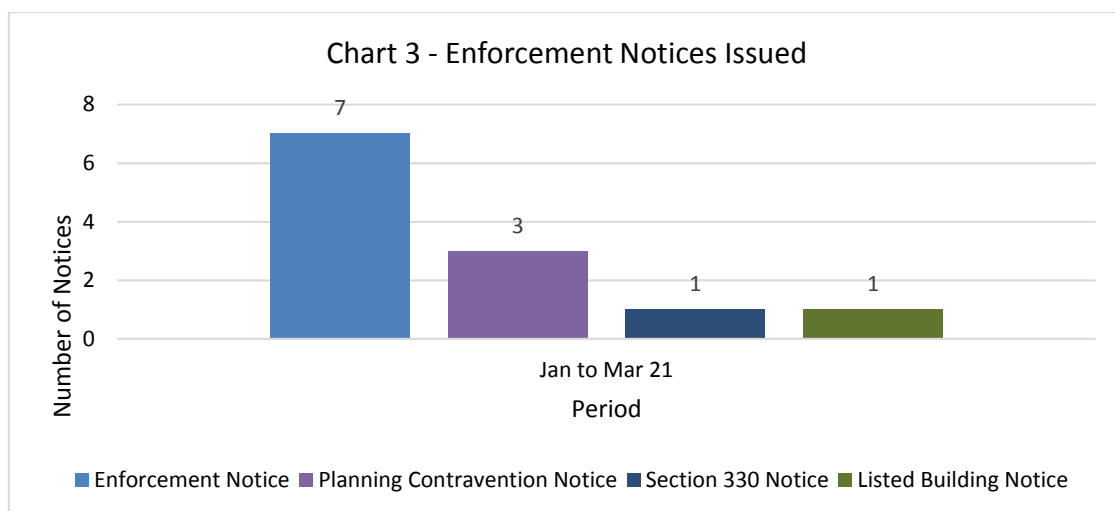


Chart 2 represents the reason that enforcement cases have been closed. Members will note the positive trend of the number of cases having been closed due to breaches having been resolved (this can include notices having been complied with, breaches resolved via negotiation with contraveners and planning permission having been granted retrospectively). The chart includes those cases that have been closed for 'other' reasons. These include duplicate cases that have been created for the same breach and cases closed pending further action (such as we are awaiting compliance with a notice which may have a long compliance period). It must be noted that a system has been put in place to 'pick' these cases up again at a later date to check for compliance or possible further action.

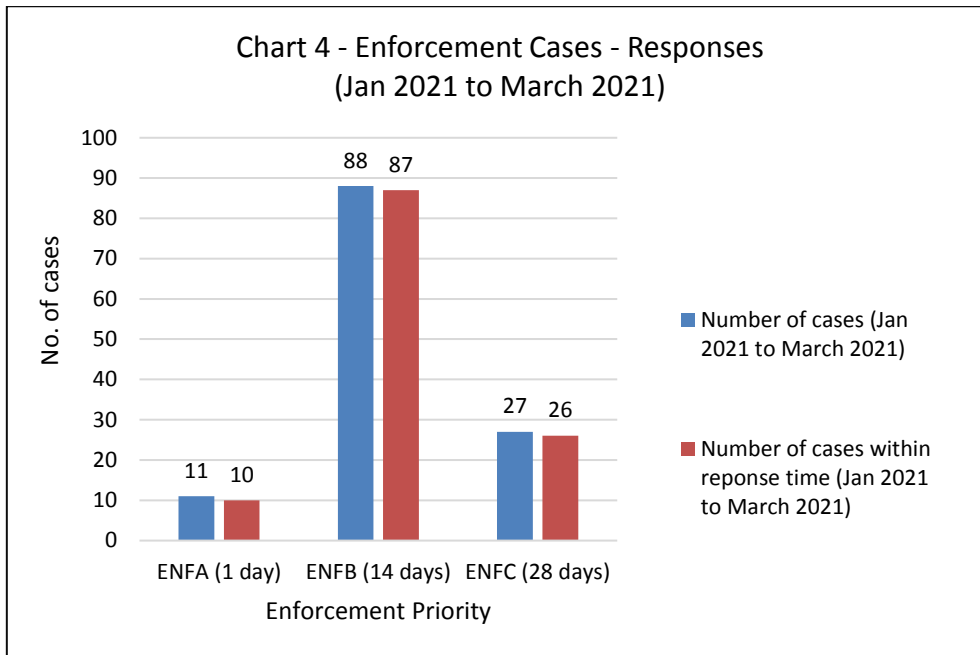


Members will note from chart 3 that during Q4, seven planning enforcement notices were issued, along with 3 Breach of Condition Notice (BCN's) along with a Section 330 notice (Requisition for Information) and a Listed Building Enforcement Notice.



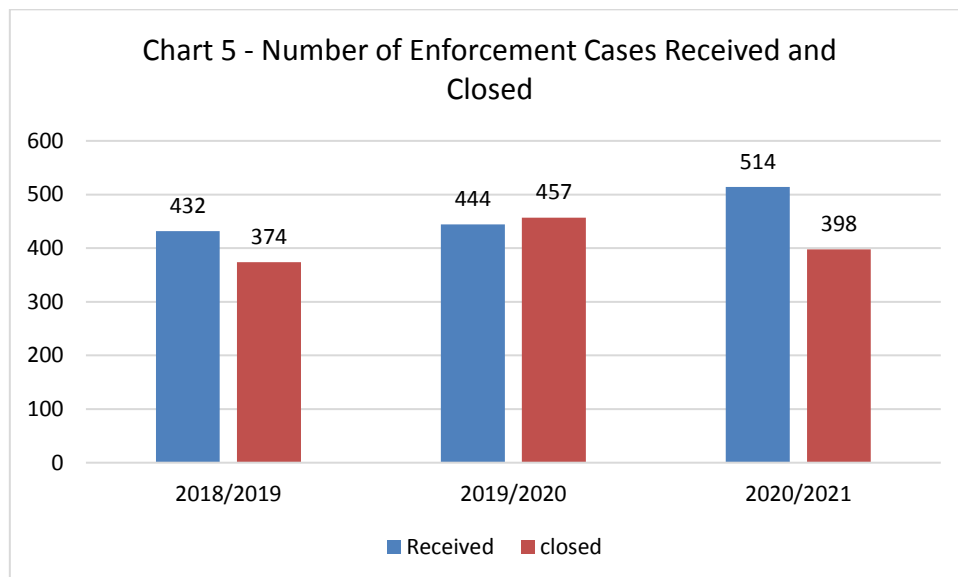
In addition, Members will be aware that in September 2020 the Planning Enforcement Plan (PEP) was adopted. As well as setting out how the enforcement service will operate and what Members and the public can expect from the service, the PEP also put in place a system of case prioritisation which encompassed targets for initial investigations to take place.

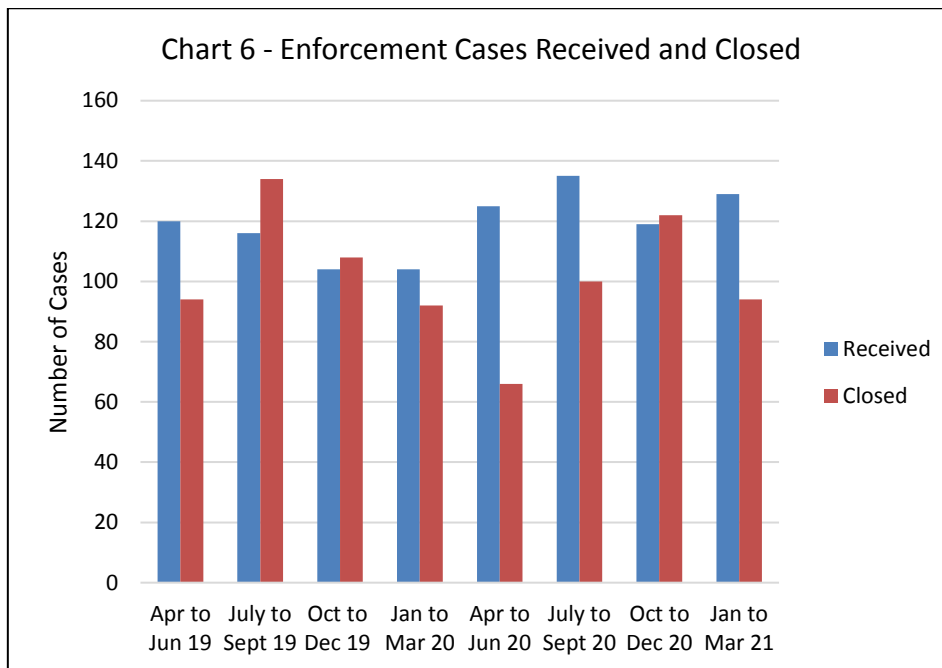
The positive trend of the performance of the enforcement team is set out within Chart 4 where Members will note that the target for initial action has been met in 97.6% of investigations over the Q4 period. This compares with a compliance rate of 94.6% during Q3 and shows the success of the measures that have been put in place by the team to improve performance and it is hoped that Members will agree that this is a significant achievement for the team.



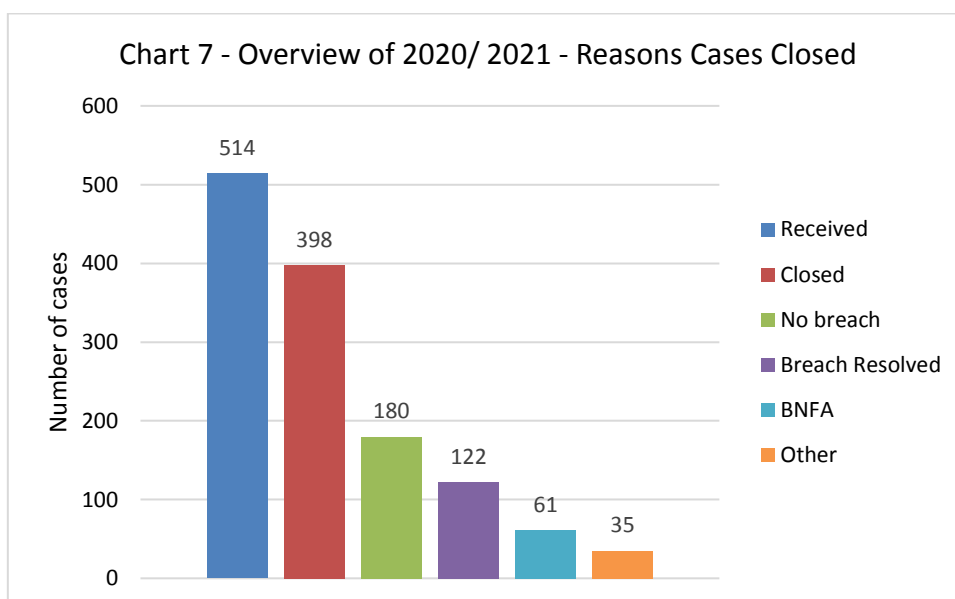
2020/21 Appraisal

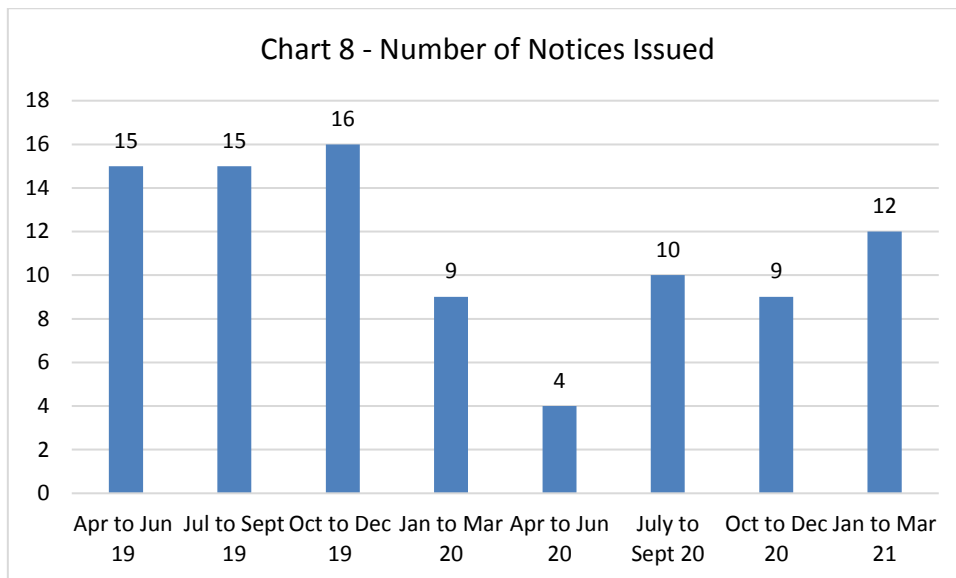
Although the 2020/2021 period has included the the unprecedented situation surrounding Covid-19 lockdowns and restrictions, the planning enforcement team has seen workloads increase significantly compared to previous years with the overall number of cases being received increasing from 432 cases in 2018/19, 444 cases during 2019/20, to 514 from 2020/21 (Chart 5) – which is a 15.7% increase over the last 2 years. This is emphasised within Chart 6 which shows that considerably more enforcement cases were received in January-March 2021 than in January-March 2020 (an increase of 24.5%), despite the national lockdown measures that were in place.



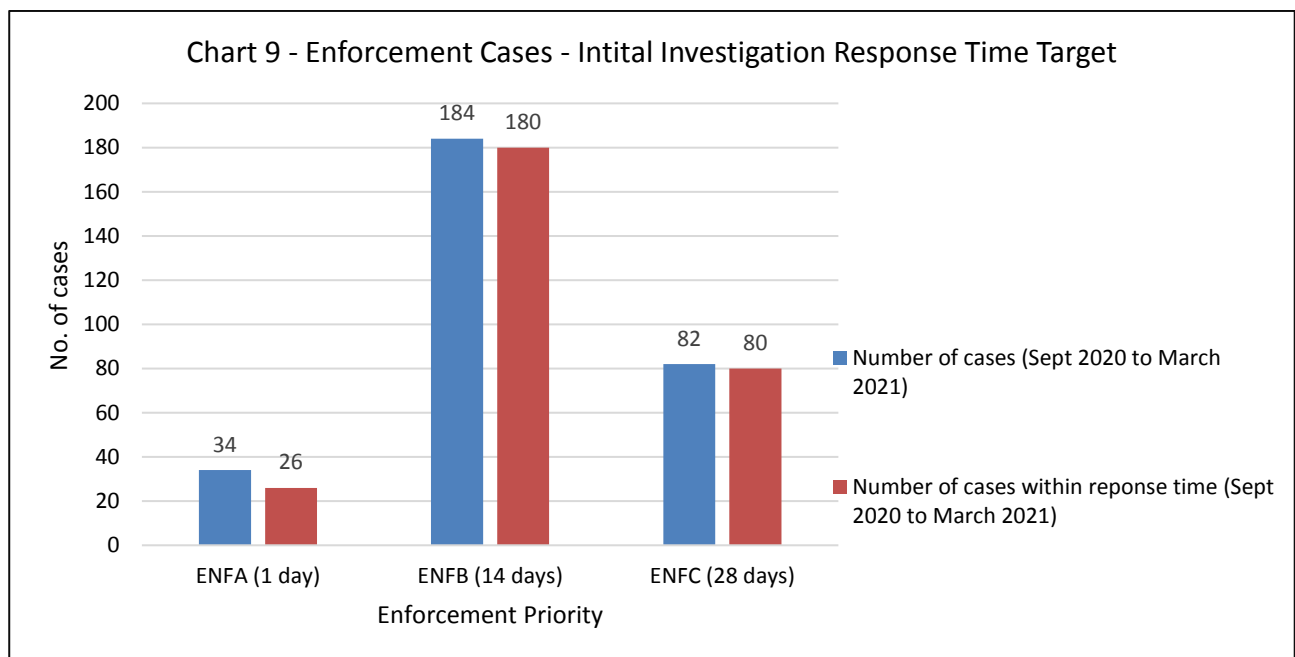


Officers have also applied more flexibility in terms of timescales for resolving some cases with an additional drive to achieve solutions short of formal enforcement action, to allow for personal circumstances and difficulties in labour & material supplies as a result of lockdown measures. Similarly some enforcement cases concerning local businesses have been suspended during the pandemic to allow them to focus on re-opening and operating. Nevertheless, as illustrated within Chart 7, officers have been able to resolve over 122 enforcement cases where a breach has been found during the 2020-2021 period, along with a considerable number of Notices having been issued (as set out within Chart 8).





The team has managed to meet the target period for initial action in 95.3% of investigations as set out in the PEP. As Members will note from Chart 4, further refinement to working practices have been initiated since the introduction of targets and is eagerly aiming to improve the figure further during the 2021/22 period.



Appeal Outcomes in Quarter 4

- **20/00018/ENF - Glebe Steading, Gonalston.**

An Enforcement Notice was issued in September 2020, requiring the removal of a domestic outbuilding erected without planning permission within the Green Belt. The Notice was upheld on 12th March 2021 and requires the outbuilding to be removed within 3 months. The hardsurfaced base on which it stands was permitted to remain under permitted development allowances.



SCHEDULE A: ENFORCEMENT CASES	1st to 31st January 2021	1st to 28th February 2021	1st to 31st March 2021	Totals
Appeals Lodged	1 <i>20/00336/ENFC</i>	1 <i>20/00109/ENF</i>	1 <i>20/00411/ENFC</i>	3

FORMAL ACTION TAKEN

The following section provides a more detailed position statement on formal action (such as enforcement notices served) since the previous performance report was brought before Members. This section does not detail Planning Contravention Notices served.

Enforcement Ref: 21/00018/ENFB

Site Address: 6 Windsor Road, Newark, NG24 4HS

Alleged Breach: Non-compliance with planning permission for dormer roof enlargement

Date Received: January 2021

Action To Date: Enforcement Notice Served

Background:

Planning permission was granted in 2020 for a dormer roof enlargement (20/00655/FUL); however the approved plans have not been complied with. Further investigation has found that the dimensions which accompanied the planning application were inaccurate, meaning that the permission cannot lawfully be implemented.

A revised dormer window has been built, without planning permission, and is considered to have an unacceptable visual impact. An Enforcement Notice has been issued and requires the full reversal



of the works to the roof within a 12 month compliance period. An appeal has since been lodged on the grounds that planning permission ought to be granted.

Enforcement Ref: 20/00374/ENFB

Site Address: 21 Cottage Lane, Collingham, NG23 7QL

Date Received: October 2020

Action To Date: Enforcement Notice Served

Background:

A Prior Notification application was granted for the conversion of two agricultural buildings to dwellings in 2018 (18/00521/CPRIOR). The scheme required (and provided for) the existing vehicular access of 21 Cottage Lane to be utilised for highway safety reasons. In October 2020, Officers were notified that a new access had been created through the grass verge, leading onto a narrow national speed limit road.

Efforts to have a revised, safer scheme submitted for planning permission were not cooperated with. The Enforcement Notice requires the reversal of the works to prevent this highway hazard from continuing.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Enforcement Ref: 20/00347/ENFC

Site Address: 'The Heights', Beacon Hill Road, Newark on Trent

Alleged Breach: Non-compliance with housing scheme layout & landscaping

Date received: September 2020

Background:

Concerns were received over potential discrepancies with the layout and landscaping scheme of a housing scheme implemented in recent years. Officers found that an emergency vehicular access road for emergency services to have a secondary access route onto the development from Beacon Hill Road had not been implemented as required. Without it, in the event of the access road being blocked there would be no alternative vehicular access to the 189 dwellings. The original developer was contacted and remedial works promptly implemented in a matter of weeks.



Before



After

Enforcement Ref: 20/00223/ENF

Site Address: 93 London Road, Newark on Trent, NG24 1SR

Alleged Breach: Unauthorised fencing adjacent to the highway

Date Received: June 2020

Background:

A 1.8 metre tall close-boarded timber fence had been erected adjacent to the busy thoroughfare of London Road. The visual impact was considered to be harmful, given the generally low-to-medium height of front boundaries in the locality. Officers contacted the owners of the property and the fencing was reduced in height to within permitted development rights (1 metre height) without the need for formal enforcement action, allowing the hedgerow planted on the inside to be visible and reducing the visual harm.



SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 21/00041/ENFA

Site Address: Old Kings Arms, 19 Kirk Gate, Newark on Trent

Alleged Breach: Unauthorised Security Features on Grade II Listed Building

Date Received: January 2021

Action To Date: Listed Building Enforcement Notice served

Background:

Security sheeting had been fitted to the doors and windows of the grade II listed Old Kings Arms, a prominent building within the Newark Conservation Area. The property is currently vacant and it is understood that the sheeting was fitted for security purposes.

A Listed Building Enforcement Notice was issued in March 2021 requiring all metal security features to be removed within 30 days of the date the notice took effect. A site visit on 30.03.2021 found that all security features had been removed.



Before



After

Enforcement Ref: 19/00382/ENF

Site Address: Three Pines, Boat Lane, Hoveringham

Alleged Breach: Unauthorised Fencing Adjacent to the Highway

Date Received: October 2019

Action To Date: Enforcement Notice Served

Background:

Officers were notified that tall boundary fencing and gates had been erected without planning permission. A retrospective application to regularise the development as constructed was received Ref. 19/02137/FUL, but was refused on grounds of the development constituted inappropriate development in the Green Belt and had an adverse impact on the character and appearance of the conservation area.

An enforcement notice was then served requiring alterations to be made. This notice required the land owners to reduce the gates, fence and any other means of enclosure along the front (southern) boundary to no more than 1m in height. Later site visits found the Enforcement Notice has been complied with.



Before



After

RECOMMENDATION

That Planning Committee notes the contents of this report.

Reason for Recommendation

To keep Members informed of the actions and progress of the Planning Department.

Background Papers

None

For further information please contact Lisa Hughes (Business Manager – Planning Development).

Matt Lamb

Director – Planning & Regeneration