

PLANNING COMMITTEE – 3 AUGUST 2021

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the first quarter from the 1st April to the 30th June 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.

Schedule A outlines the enforcement activity for Q1 in terms of the numbers of cases that have been received and closed and also provides a breakdown of the reason that cases have been closed.

Schedule B 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.

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, as noted within the set out within Chart 2. Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy following the growing trend of development in the wake of the COVID pandemic. Members will also observe that other than in April when there was a handover between staff members, the team has forged ahead with output and has managed to exceed the number of cases being received with those being closed.

Chart 2 goes on to expand upon the reason for cases having been closed during Q1. Again, Members will note the positive trend of cases being closed where the breach has been resolved which ultimately is at the core of all enforcement work. As will inevitably be the case there is a significant proportion of cases closed that are not a breach and this therefore demonstrates the need for staff and local Members, where appropriate, to continue to educate the public where possible on planning legislation.

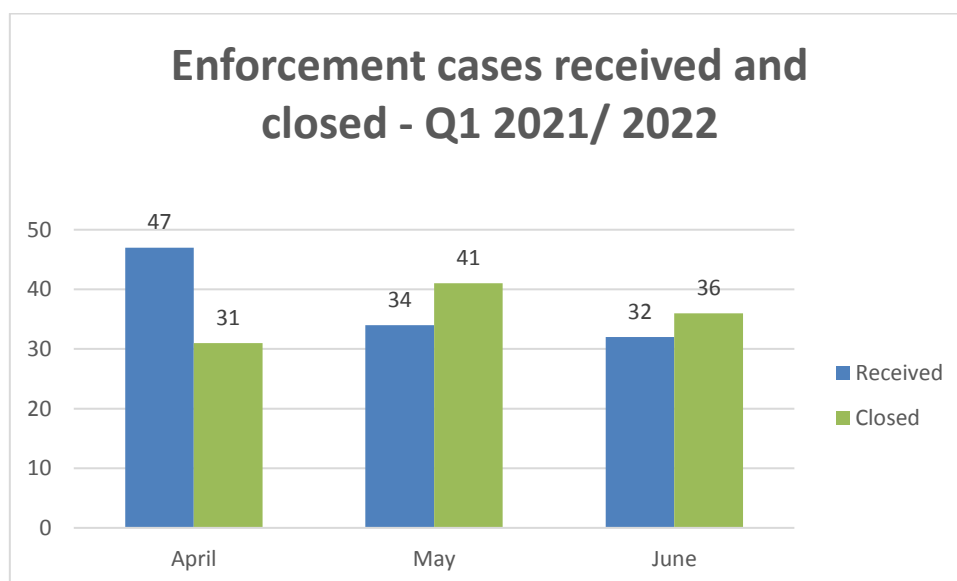


Chart 1 – Number of enforcement cases received and closed during q1 of the 2021/2022 period.

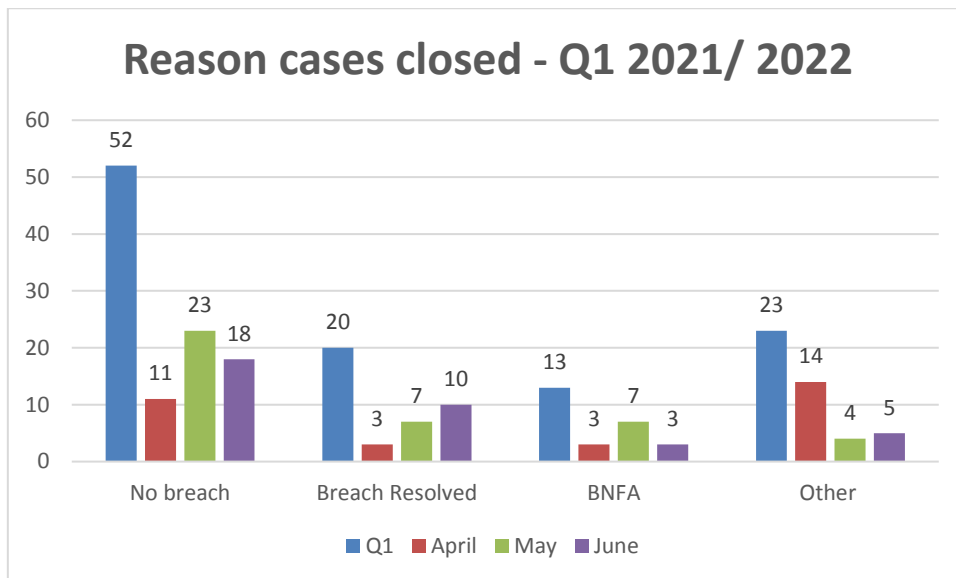


Chart 2 – Reason that enforcement cases have been closed during Q1 of 2021/2022

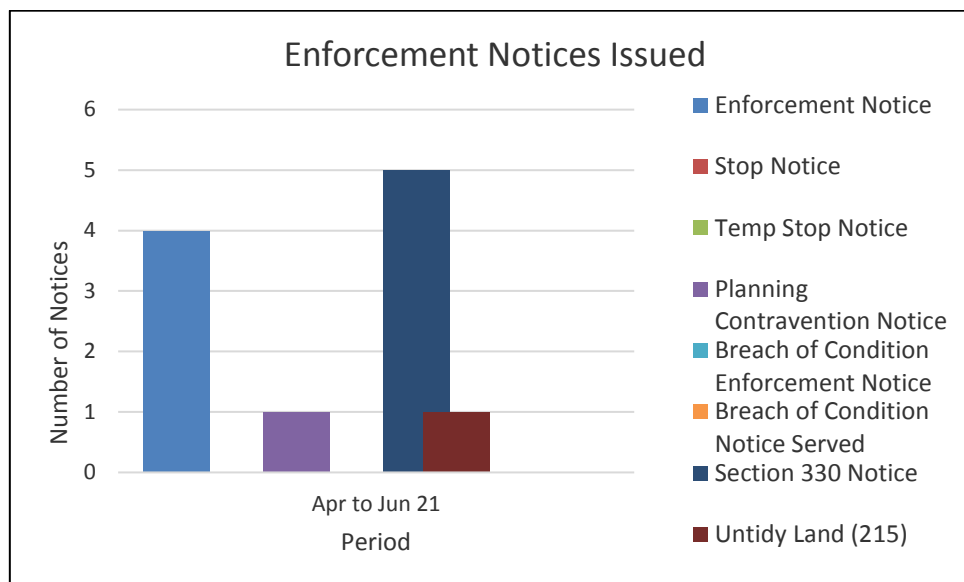
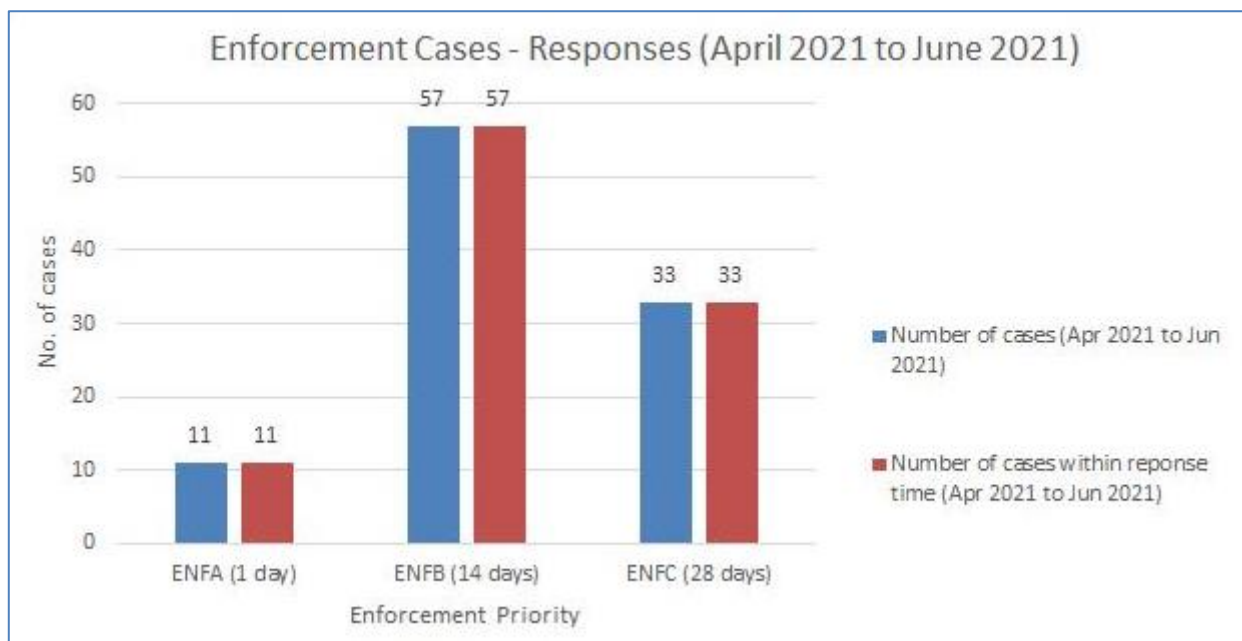


Chart 3 – notices issued during Q1.

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.

Members will note the sterling efforts of the enforcement team which has resulted in 100% of cases being actioned within the target periods.



Appeal Outcomes in Quarter 1

- 20/00109/ENF 15 Hickman Grove, Collingham. Alleged extension of residential curtilage and erection of decking. Appeal Allowed.
 - An application for the same development was refused at the neighbouring property and that decision upheld (dismissed) at appeal. As such, an Enforcement Notice was issued at 15 Hickman Grove for near identical works. The Inspector took a different stance to their colleague and determined that no change of use had occurred, and as such the 5 year old decking was immune from enforcement action (having been substantially completed for more than 4 years) and thereby now lawful.

- 19/00224/ENF 2-4 Balderton Gate, Newark on Trent. Appeal Dismissed.
 - Retrospective applications for planning permission and listed building consent, seeking to retain a modern external box shutter on a grade II listed building, were refused and two enforcement notices issued as a result. The Notices were appealed and dismissed in June 2021. The LPA was agreeable to an extension to the compliance period from 3 to 9 months, given the economic impact of Covid-19.

ENFORCEMENT CASES	1st to 30th April 2021	1st to 31st May 2021	1st to 30th June 2021	Totals
Cases Received	47	34	32	113
Case Closed	31	41	39	111
Notices Issued	5 20/00367/ENFB 20/00393/ENFB 21/00008/ENFB 21/00172/ENFB 20/00045/ENF	1 21/00081/ENFB	1 20/00126/ENF	7
Notices Complied With			1 20/00126/ENF	
Appeal Lodged		1 21/00018/ENFB		

SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 21/00008/ENFB

Site Address: Castle Farm, Brown Wood Lane, Thorney

Alleged Breach: Unauthorised Earth Bund

Date Received: January 2021

Action to Date: Enforcement Notice Served

Background: Officers were notified that an existing pond on agricultural land has been enlarged, and a large earth bund built around the land in a high risk flood zone location. As the landowner did not apply for retrospective planning permission to demonstrate that the bund did not increase flood risk to neighbouring landowners, an Enforcement Notice has been issued requiring the bund to be removed and the land returned to its previous, flat topography.



Enforcement Ref: 20/00367/ENFB

Site Address: Gainsborough Road, Winthorpe

Date Received: September 2020

Action to Date: Enforcement Notice Served

Background: The Local Planning Authority was made aware that a section of hedgerow bordering a horse paddock at the entrance to Winthorpe village had been removed, and a timber field gate installed in its place. The gate offered no highway visibility and no dropped kerb had been installed. Enforcement Officers liaised with the owner to ensure the gate was secured and not used while an application for tourism accommodation was determined. The application (reference 20/02279/FULM) was refused by the Planning Committee, but allowed at appeal in June 2021, on the proviso that the access is widened and formalised to ensure safe access onto the highway. An enforcement notice requiring the gate to be removed and hedgerow reinstated was issued, but may now be superseded by the grant of planning permission if implemented.

SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 20/00347/ENFC

Site Address: 25 Waterfield Way, Clipstone

Alleged Breach: Unauthorised Rear Extension

Date received: April 2021

Background: An application for retrospective planning permission to retain an unauthorised rear extension was refused on account of the extension resulting in an incongruous addition to the host-dwelling due to the combination of its position, size, design and the use of materials which were unsympathetic.

Following the refusal, a Planning Contravention Notice was issued to the owner, and the extension ultimately demolished.



Enforcement Ref: 17/00254/ENF

Site Address: 1 And 2 Manor Farm Cottages, Ollerton Road, Little Carlton

Alleged Breach: Unauthorised UPVC Windows in Listed Buildings

Date Received: July 2017

Background: Conservation Officers were made aware that unauthorised changes to two listed cottages had been undertaken without the grant of Listed Building Consent, and where LBC would not have been granted. The occupiers have been working cooperatively with the Conservation Officers to have replacement windows and doors fitted to a particular specification that is appropriate to these properties. Due to the work involved the case has been ongoing for some time. Number 2 was resolved in 2018 and Number 1 has now installed the alternative window designs.

Before



After





SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 21/00172/ENFB

Site Address: Petersmith Drive, Ollerton

Date Received: April 2021

Action to Date: Temporary Stop Notice and Breach of Condition Notice issued

Background: Planning permission for 305 new dwellings was approved under reference 17/00595/FULM, with conditions imposed restricting the hours of construction and deliveries in order to ensure limited disruption to surrounding residents. Complaints were received that the operating hours were regularly being breached, and Enforcement Officers issued Temporary Stop and a Breach of Condition Notices in April 2021, requiring compliance with the hours of operation as set out within the planning permission. A subsequent meeting was held with the house builder given that they were not only developing this site but also two other major development sites within the District. Following productive discussions with the developer no further allegations of breaches have been reported Authority about this site or any of the others that are current being constructed.

RECOMMENDATION

That Planning Committee considers the contents of the report and identifies any issues it wishes.

Background Papers

None

For further information please contact Richard Marshall (Senior Planner - Enforcement) x5801.

Matt Lamb
Director – Planning & Regeneration