

PLANNING COMMITTEE – 2 NOVEMBER 2021

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the second quarter from the 1st July to the 30th September 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 also includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

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 July, when there were several members of staff on annual leave, the team has forged ahead with output and has managed to match or 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 Q2. 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. On Chart 2 'other' are cases which have been withdrawn by the complainant.

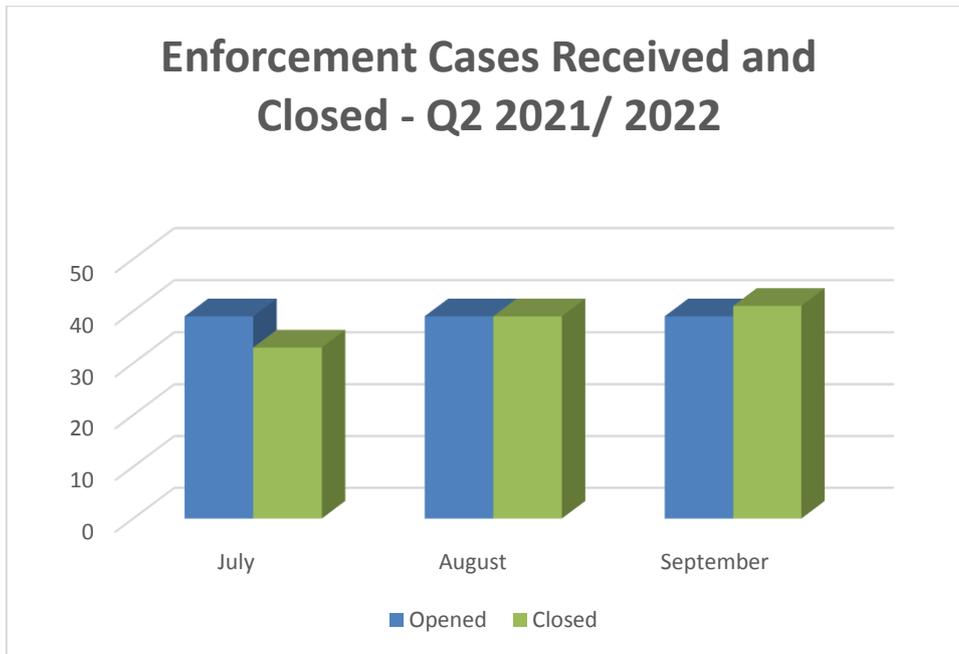


Chart 1 – Number of enforcement cases received and closed during Q2 of the 2021/2022 period.

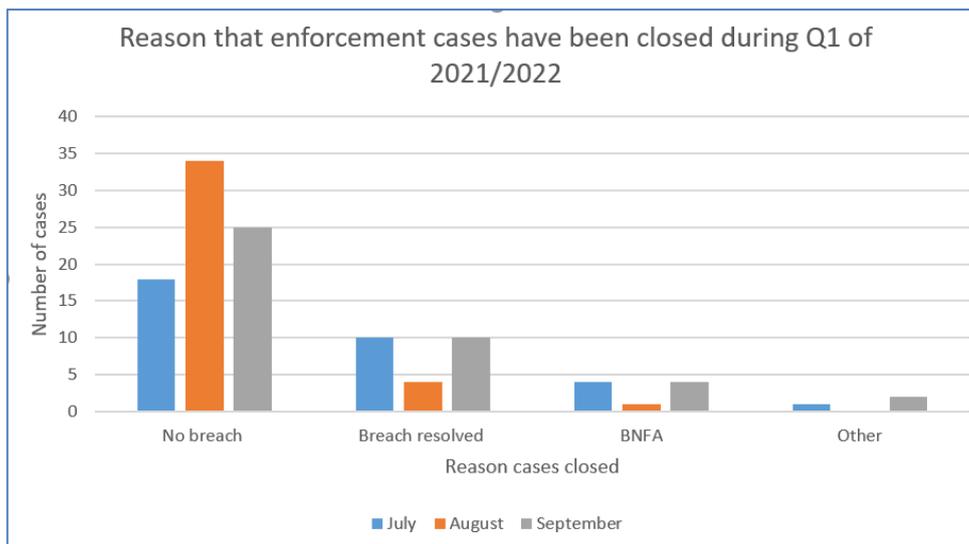


Chart 2 – Reason that enforcement cases have been closed during Q2 of 2021/2022

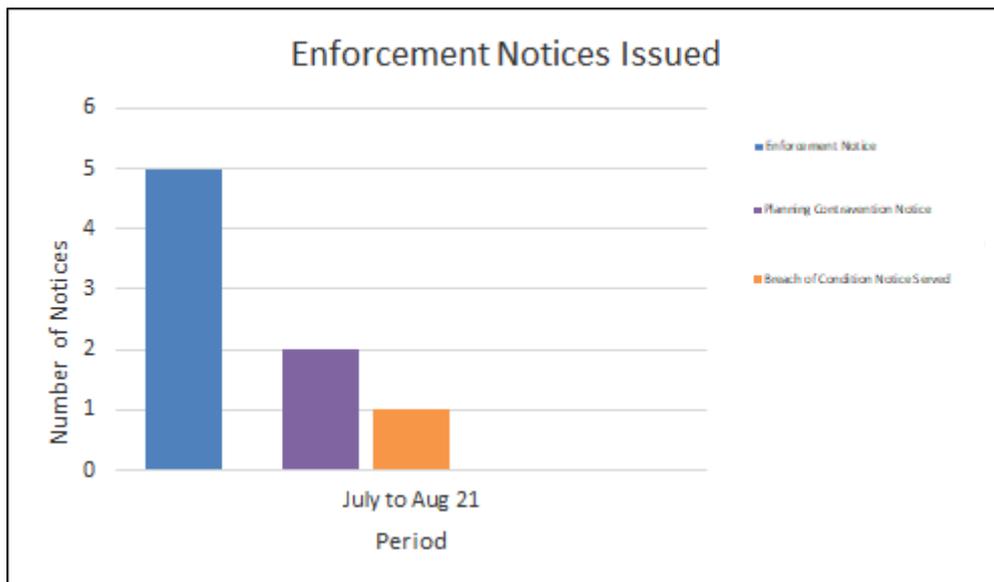
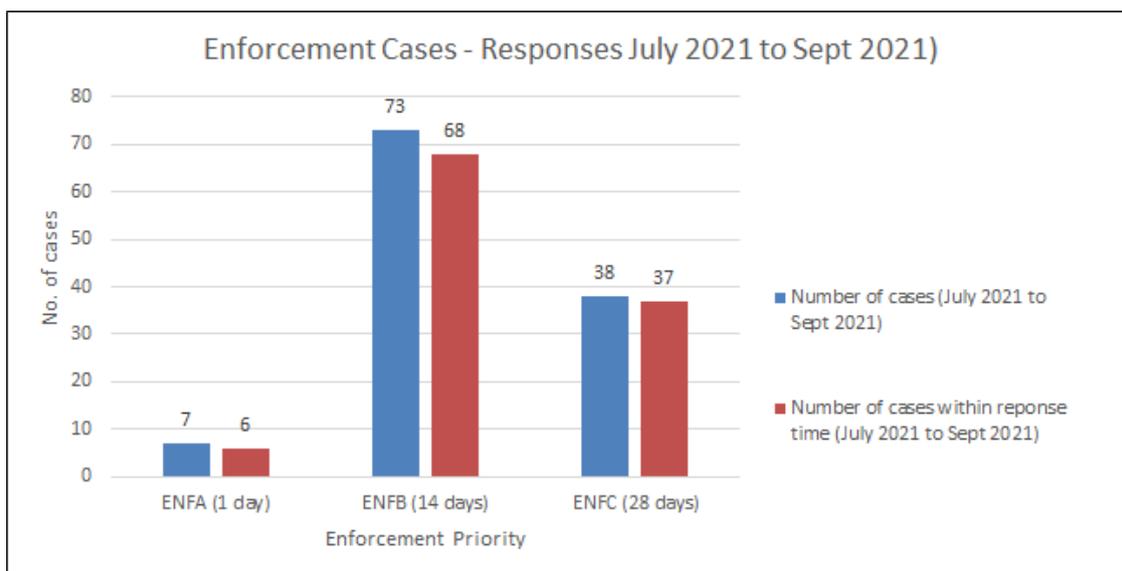


Chart 3 – notices issued during Q2 of 2021/2022.

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 that whilst the enforcement team has continued to operate at a high level of compliance with the targets set within the PEP (95%), due to staff turn over and annual leave over the period the number of cases meeting the targets has dropped slightly from Q1. The team is committed to reaching the previous level by the conclusion of Q3.



Appeal Outcomes in Quarter 2

	July	August	September	Total
Notices Issued	1 21/00270/ENFB	3 20/00146/ENF 21/00264/ENFB 20/00342/ENFB	2 20/00126/ENF 21/00145/ENFB	6
Notices Complied With	1 21/00081/ENFB	0	1 20/00336/ENFC	2
Appeal Lodged	0	0	2 20/00342/ENFB 21/00145/ENFB	2
Appeal Determined	20/00205/ENF (dismissed)			1

SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 20/00342/ENFB

Site Address: 15A Waterloo Yard, King Street, Southwell

Alleged Breach: Unauthorised Cladding

Date Received: September 2020

Action To Date: Enforcement Notice Served August 2021

Background: Officers were notified that timber and metal cladding had been affixed to a commercial premises located within the Southwell Conservation Area. A retrospective application for planning permission seeking to retain the cladding was submitted and refused, on account of its uncharacteristic, modern appearance in this historic setting. A planning Enforcement Notice, which has been appealed to the Planning Inspectorate, was issued following the refusal of the application which requires the removal of the cladding.



Enforcement Ref: 21/00145/ENFB

Site Address: Land at Hall Cottage, High Street, Holme

Date Received: April 2020

Action To Date: Enforcement Notice Served September 2021

Background: The Local Planning Authority was made aware that a parcel of vacant land, formerly part of the registered gardens of the grade II listed Holme Hall, but now within the ownership of the nearby equestrian facility, had been laid with crushed stone to form a hard surface. The area of land is used by the equestrian facility for the manoeuvring and parking of vehicles, including large equestrian trucks. Given the proximity of the hard surface to the grade II listed Holme Hall, and the potential for amenity impacts upon its occupants, an Enforcement Notice requiring the area of hard surfacing to be removed was issued. An appeal has been lodged with the Planning Inspectorate.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 21/00204/ENFC

Site Address: The Dumbles Public House, Southwell

Alleged Breach: Untidy Condition of Property

Date received: May 2021

Background: The Local Planning Authority received expressions of concern regarding the untidy condition of this long-closed public house. Overgrown vegetation, waste in the car park and damaged windows had, over time, left the building being a visual detriment to the locality. Officers contacted the owner requesting improvements be made, which were promptly undertaken voluntarily. This included the removal of waste and vegetation and repairs to the paint and glasswork of windows on the premises.



Before



After

Enforcement Ref: 21/00193/ENFB

Site Address: Sherwood Park, Walesby

Alleged Breach: Unauthorised Commercial Activity

Date received: May 2021

Background: The Local Planning Authority received a complaint that a resident of a park home site was using part of the land for the parking and maintenance of commercial vehicles, including vans and trucks. The noise and visual disturbance was said to be having a detrimental impact upon other residents, as well as damaging surrounding road surfaces. Officers served a Planning Contravention Notice to obtain a well informed insight and then liaised with the person responsible for the storage and maintenance of the vehicles and advised them that the activity was required to cease. Further site visits have found that all commercial vehicles have been removed and the company website closed.

Enforcement Ref: 20/00454/ENFC

Site Address: 16 Collis Close, Newark on Trent

Alleged Breach: Unauthorised Outbuilding

Date Received: November 2020

Background: Officers received an allegation that a timber outbuilding had been erected in the garden of 16 Collis Close, forward of the principal elevation (front) of the dwelling. A site visit found that the outbuilding had been sited so as to be a dominant feature. Therefore, it was considered that allowing the retention of the outbuilding would set an unsustainable visual precedent which detracts from the street scene and would fail to safeguard the amenity of neighbours.

A site visit with the owner confirmed that the building had been erected to provide more space during the covid-19 pandemic. As such, although retention was not agreeable, Officers provided a longer-than-usual compliance period to allow the structure to be dismantled while fulfilling the needs of the occupiers during the pandemic. The outbuilding was duly dismantled as agreed in July 2021.



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 a Temporary Stop Notice and a Breach of Condition Notice 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 to the Local Planning Authority about this site or any of the others that are current being constructed.

RECOMMENDATION

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

Background Papers

None

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

Matt Lamb

Director – Planning & Regeneration