

PLANNING COMMITTEE – 15 FEBRUARY 2022

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report relates to the third quarter from the 1st October to the 31st December 2021 and provides an update on enforcement activity during this period, including 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, and Notices that have been complied with.

Schedule A outlines the enforcement activity for Q3 in terms of the numbers of cases that have been received and closed (Chart 1) and also provides a breakdown of the reason that cases have been closed (Chart 2).

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control, however in certain cases formal action is necessary and Table 1 provides a more detailed position statement on formal action (such as enforcement notices served) since the previous performance report was brought before Members, with Chart 4 showing the breakdown of all notices issued during Q3. However, Members will note from Chart 2 that in the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation.

Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).

Schedule C provides just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Schedule D provides examples of Notices that have previously been served and now complied with; resolving the breach of planning control, or reducing the harm and impact caused by unauthorised development to an acceptable degree.

SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy, and have also noticed an increase in more serious breaches of planning control occurring which require ongoing attention, with some being referred to the Council's Legal Department for prosecution.

Chart 2 goes on to expand upon the reason for cases having been closed during Q3. Again, Members will note the positive trend of cases being closed where the breach has been resolved which ultimately is a high priority. 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.

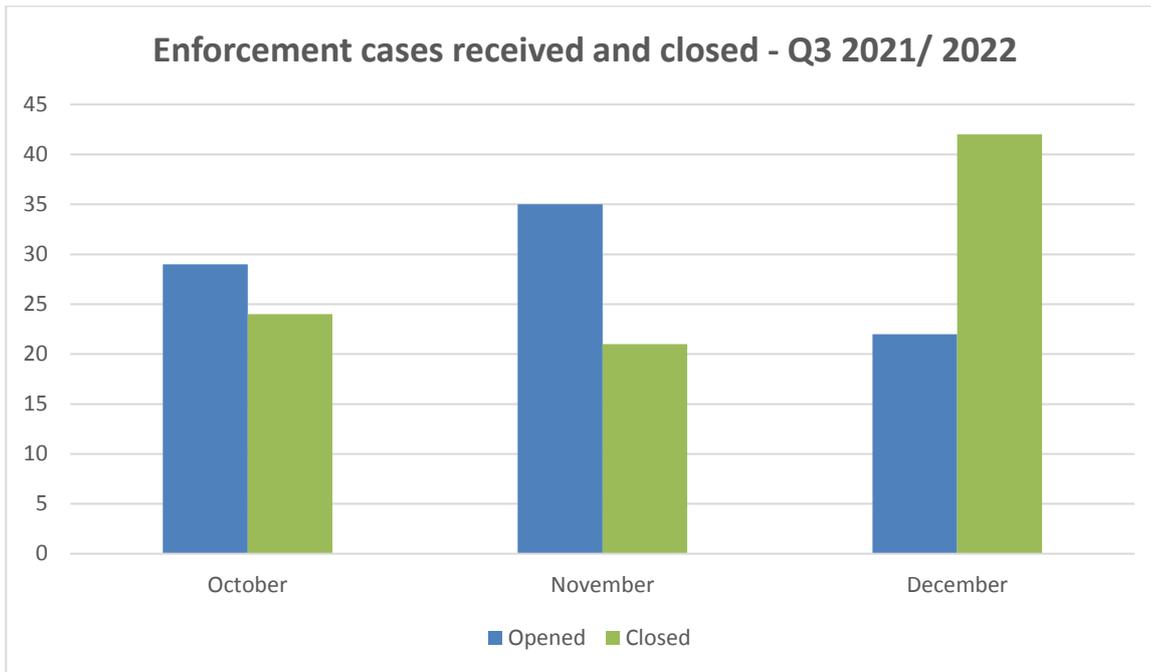


Chart 1 – Number of enforcement cases received and closed during Q3 of the 2021/2022 period.

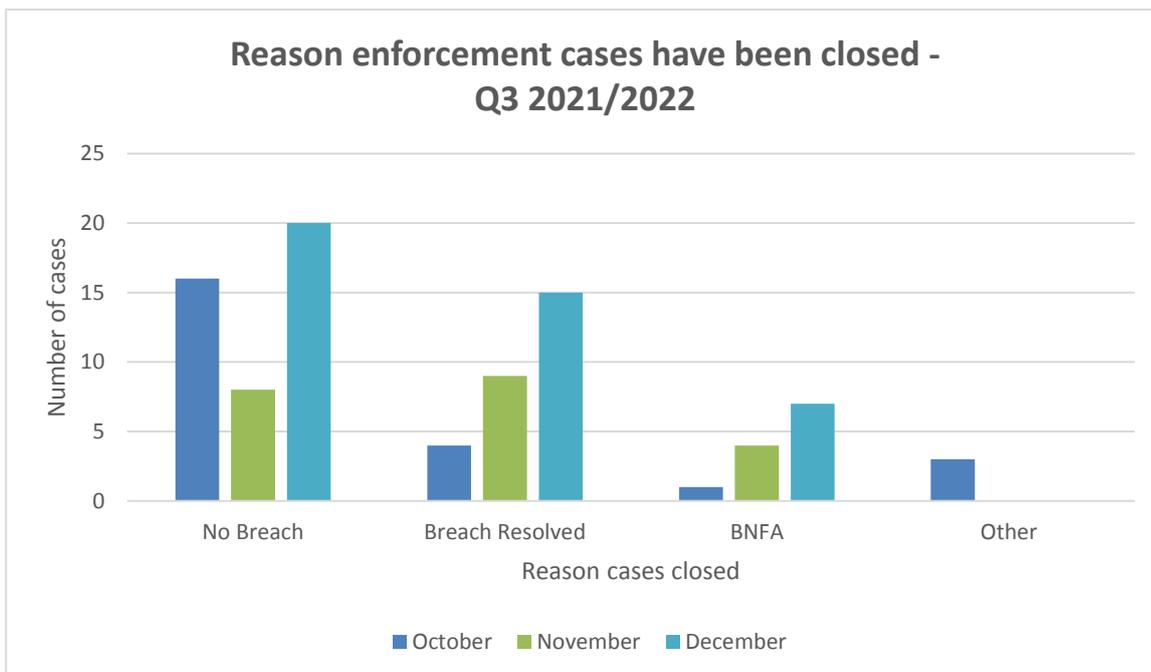


Chart 2 – Reason that enforcement cases have been closed during Q3 of 2021/2022

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 from Chart 3 that despite the consistently high number of enforcement cases being dealt with, the team has continued to operate at an extremely high level of compliance with the targets set within the PEP (98.8%). The team is committed to reaching 100% compliance in future periods.

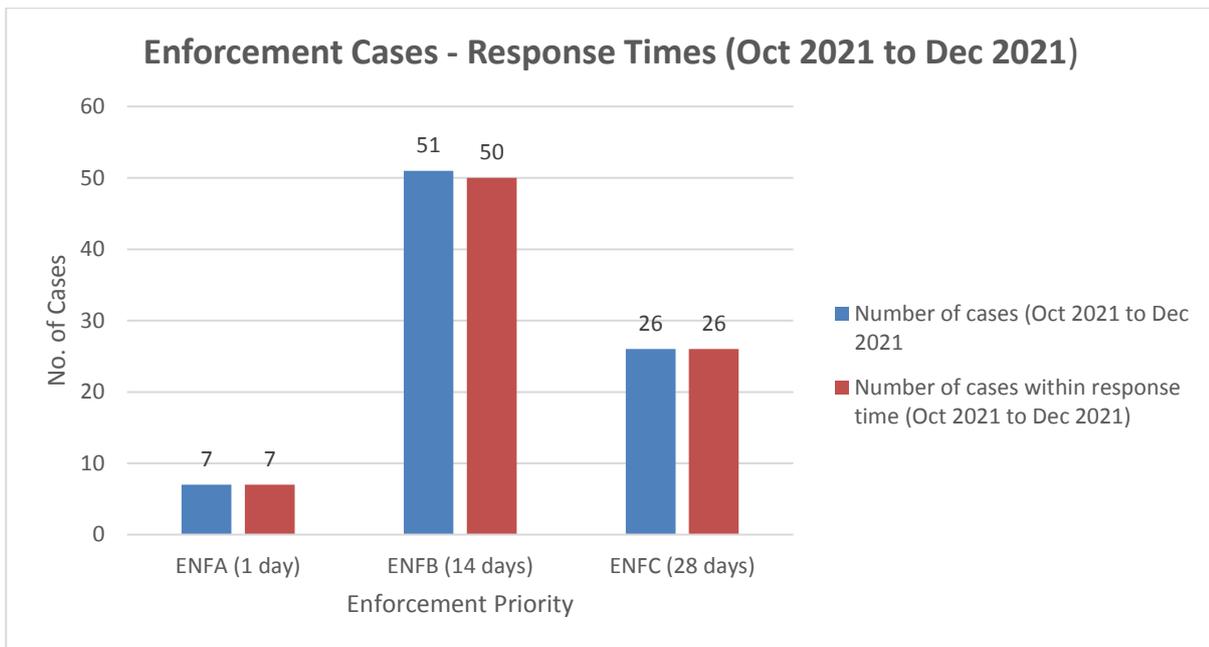


Chart 3 – Response to enforcement cases opened during Q3 of 2021/2022

Outcomes in Quarter 3

	October	November	December	Total
Notices Issued	0	1 <i>20/00045/ENF</i>	1 <i>21/00404/ENFB</i>	2
Notices Complied With	0	1 <i>21/00008/ENFB</i>	4 <i>20/00393/ENFB</i> <i>17/00437/ENF</i> <i>20/00367/ENFB</i> <i>20/00393/ENFB</i>	5
Appeal Lodged	1 <i>21/00145/ENFB</i>	0	0	1
Appeal Determined	0	0	1 <i>20/00411/ENFC</i>	1

Table 1 – Details of planning enforcement notices issued and complied with during Q3 of 2021/2022. Also included are details of appeals relating to enforcement notices.

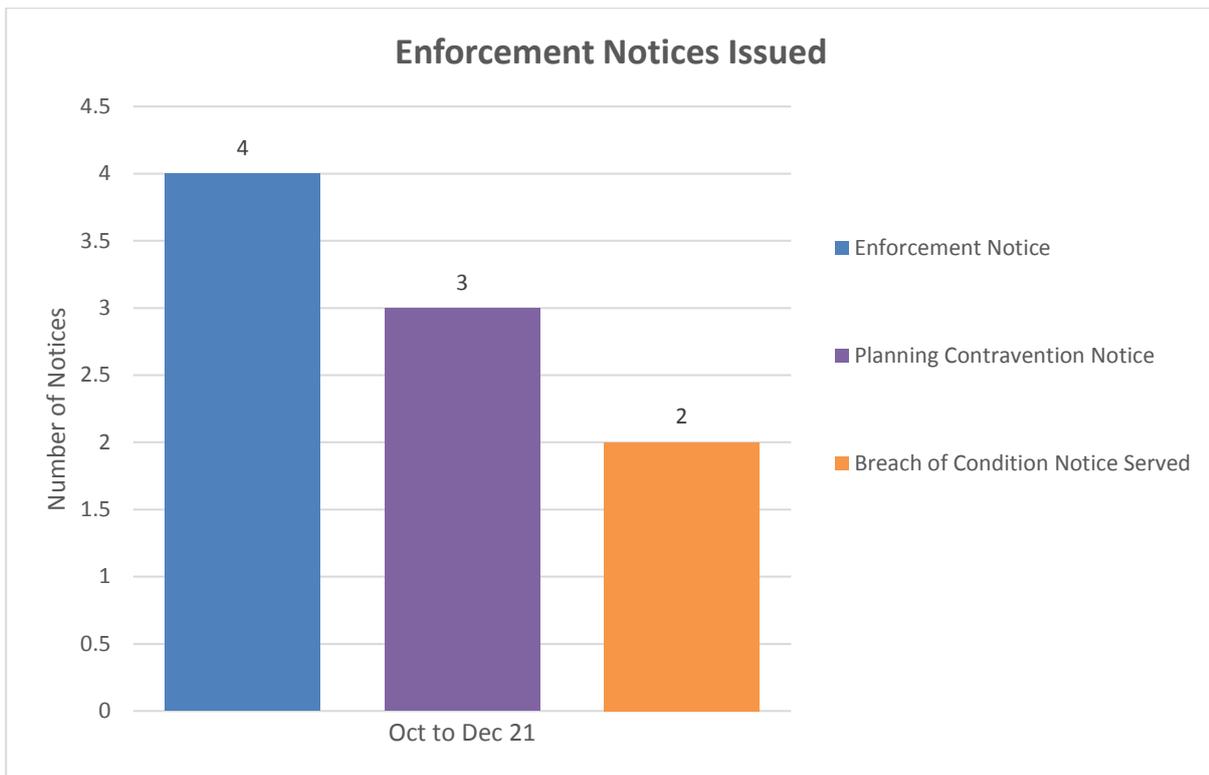


Chart 4 - Breakdown of all notices issued during Q3 of 2021/2022

SCHEDULE B. FORMAL ACTION TAKEN

Enforcement Ref: 20/00045/ENF

Site Address: Old Hall Farm, Greaves Lane, Edingley

Alleged Breach: Excavation of a Reservoir

Date Received: February 2020

Action To Date: Enforcement Notice issued November 2021

Background:

As part of a wider investigation and enforcement action into a number of issues at this site, Officers were made aware that a large irrigation reservoir had been excavated without planning permission. A retrospective application was submitted (21/01114/FUL) but refused on account of the applicant having failed to demonstrate or justify its need, scale or structural stability. The Enforcement Notice was issued in conjunction with the refusal and requires the reversal of the works to return the land to its former condition.



Enforcement Ref: 21/00404/ENFB

Site Address: Greater Fernwood, Fernwood

Date Received: November 2021

Action To Date: Breach of Condition Notice Served December 2021

Background: The Local Planning Authority has received numerous complaints regarding the untidy condition of roads surrounding the large expansion of Fernwood, approved under application reference 14/00465/OUTM. As part of the planning permission, conditions were imposed which requires the proper maintenance of the construction site and surrounding roads through wheel washing and road sweeping, particularly during the winter season.

Site inspections have repeatedly found the surrounding roads to be in an unacceptable condition and that wheel washing facilities were either not in place or insufficiently used.

A Breach of Condition Notice has been issued which requires the situation to be satisfactorily remedied.



SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 18/00218/ENF

Site Address: 20 Appleton Gate, Newark On Trent

Alleged Breach: Unauthorised Window Alterations on a historic building

Date received: July 2018

Background: Planning permission was sought for the installation of UPVC windows on a historic building within the Newark Conservation Area, located in Newark town centre. Despite the application being refused the works had nevertheless taken place. An appeal against the refusal was also dismissed. Officers engaged with the occupier of the premises to agree an alternative design and a period of time in which to remedy the situation. This has now been achieved and windows more appropriate in terms of design and materials are now in place.



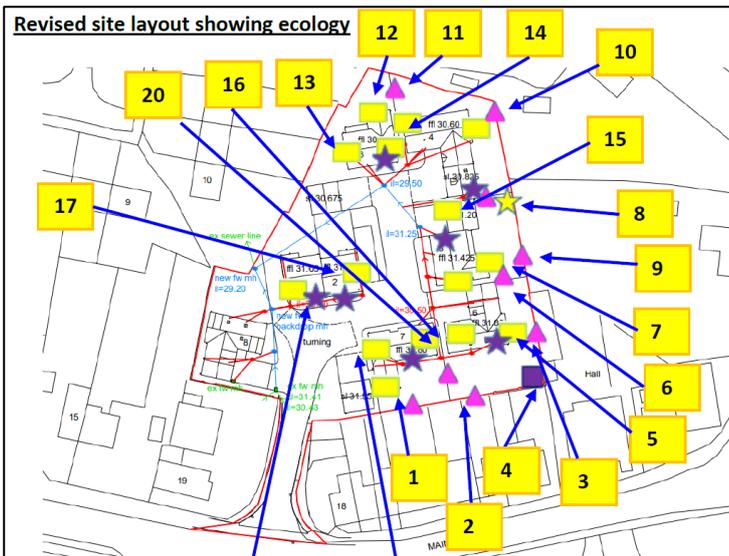
Enforcement Ref: 21/00164/ENFB

Site Address: Land Off Main Street, Coddington

Alleged Breach: Non-compliance with ecological requirements

Date received: April 2021

Background: Planning permission was granted for 7 new dwellings under reference 18/00799/FUL, on condition that an array of ecological provisions were implemented as part of the scheme. The Local Planning Authority was notified that these had not been provided. Officers corresponded with the developer who promptly secured these provisions promptly and in accordance with the approved ecological reports. These included hedgehog 'highways', bird boxes, bat boxes and other shelters for wildlife; each provision is symbolised on the below drawing, showing the considerable extent and variety of ecological measures that have been secured.



SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 17/00437/ENF

Site Address: Post Office Row, Coddington

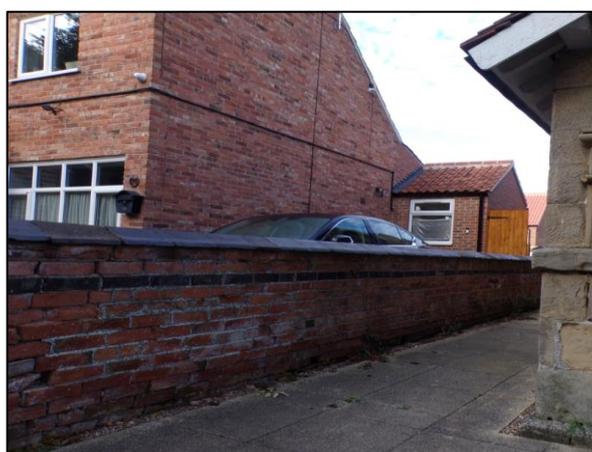
Date Received: October 2017

Action To Date: Enforcement Notice Issued

Background: An unauthorised side extension was erected on the end-property of a row of historic properties within the Coddington Conservation Area. The property has since been subject of a prolonged application and enforcement process which has now been satisfactorily concluded. A retrospective application was refused in 2018 (18/00267/FUL) and a planning Enforcement Notice requiring the extension to be demolished issued. This Notice was upheld at appeal. The extension has since been subject of a number of planning applications (19/01134/FUL, 21/00767/S73) seeking to secure an alternative design, and an extension to the compliance period due to Covid-19. Further warning letters have been issued and the unauthorised extension has now been removed and a later approved design implemented.



Before



After

Enforcement Ref: 20/00393/ENFB

Site Address: Great North Road, Weston

Date Received: October 2020

Action To Date: Breach of Condition Notice Issued

Background: Planning permission was granted via application reference 19/01729/S73 to vary the plan's condition of planning permission 13/00519/FUL to allow a tractor and implement store and workshop to be built in red brick with a tiled roof. One set of timber windows were approved to be installed on the rear elevation. Officers were notified that domestic roof tiles and UPVC windows had been installed in breach of the conditions attached to the 2019 permission. A retrospective application was refused on account of the domestic design (reference 21/00567/FUL) and a Breach of Condition Notice issued requiring full compliance with the approved plans. An appeal against the refusal was dismissed and later site visits confirmed that the situation has been remedied.



Before



After

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).

Lisa Hughes
Business Manager – Planning Development