

Report to Planning Committee 11 August 2022

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Richard Marshall, Senior Planner (Enforcement)

Report Summary	
Report Title	Quarterly planning enforcement activity update report
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the first quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during 1st April 2022 – 30th June 2022.</p>
Recommendation	<p>For noting. The services in assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Continue to maintain the high standard of cleanliness and appearance of the local environment • Enhance and protect the district’s natural environment

1.0 Background

This report relates to the first quarter from the 1st April to the 30th June 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 Q1 in terms of the numbers of cases that have been received and closed (Chart 1) and also provides a breakdown of the reasons that cases have been closed (Chart 2). Charts 3 and 4 details the performance of the enforcement team when compared against time limits set out within the Newark and Sherwood District [Planning Enforcement Plan](#) (PEP) in both Q1 and since the adoption of the policy in September 2020

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.

2.0 **SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY**

Members will note from Chart 1 that the enforcement team has continued, as outlined within previous reports, to be extremely busy – with an ever increasing number of reports being received that require some form of active investigation.

What is not reflected within the figures provided is that the complexity and seriousness of cases are increasing. Officers are actively investigating cases that include the creation of reservoirs and new dwellings without planning permission, unauthorised works to Listed Buildings and unlawful works to protected trees. Whilst the complexity of cases is not necessarily revealed within the figures provided, they nevertheless occupy a disproportionate amount of officer time and Officers have managed to do so whilst completing investigations that relate to more ‘standard’ matters that are raised, as demonstrated within Chart 1.

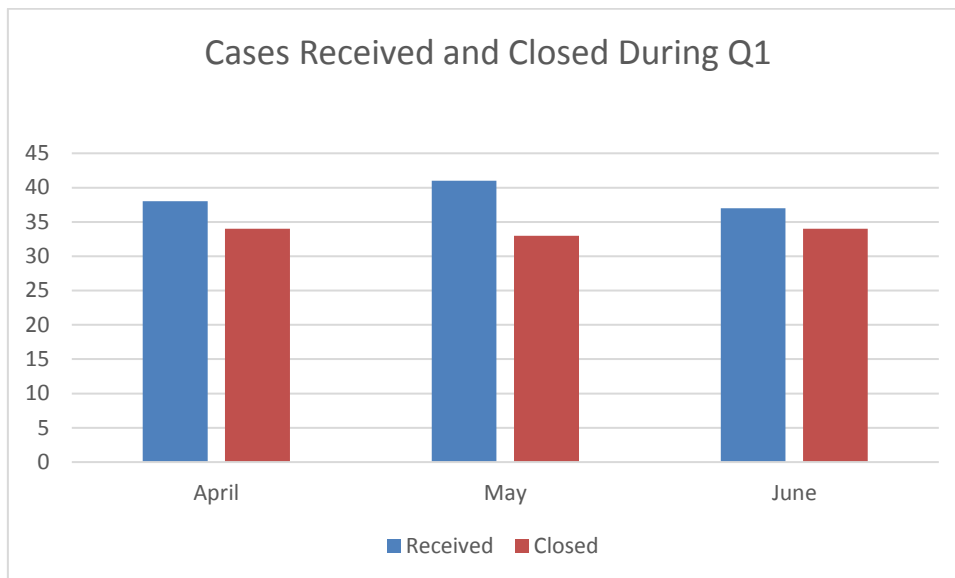


Chart 1 – Case numbers received and closed in Q1

Members will note the continuing positive trend of cases being closed where the breach has been resolved, as shown within Chart 2, which is a high priority for the Planning Enforcement Service.

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.

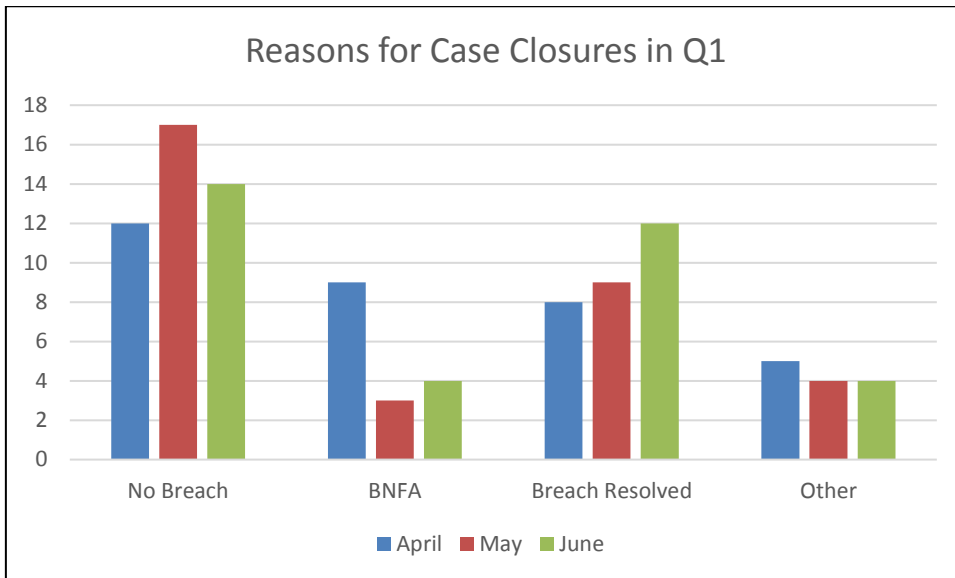


Chart 2 – Reason that enforcement cases have been closed during Q1 of 2022/2023

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, and the previously explained complexity of those matters investigated, the Planning Enforcement team has been working with continued commitment to achieving the highest standard of attainment and has reached a 100% compliance with the targets set within the PEP.

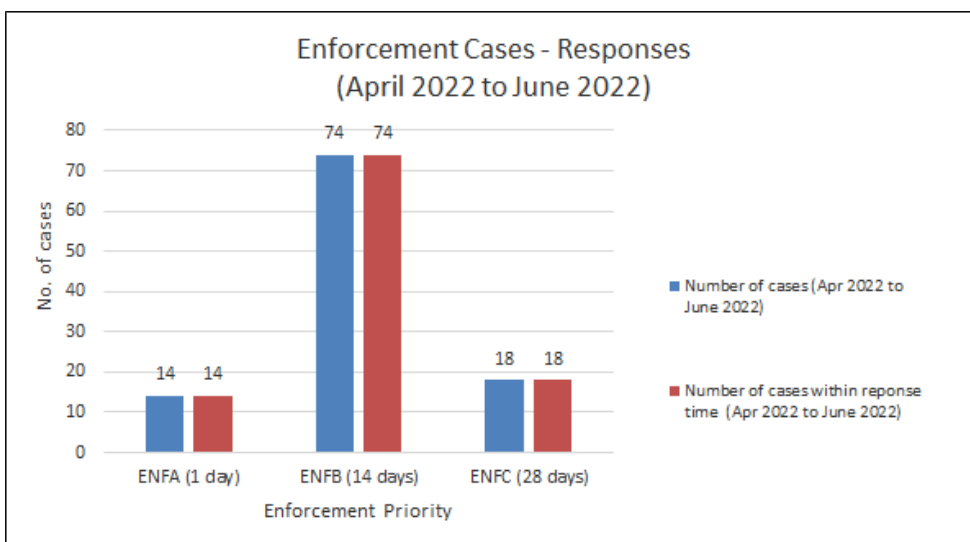


Chart 3 – Response Times in Q1 of 2022/2023

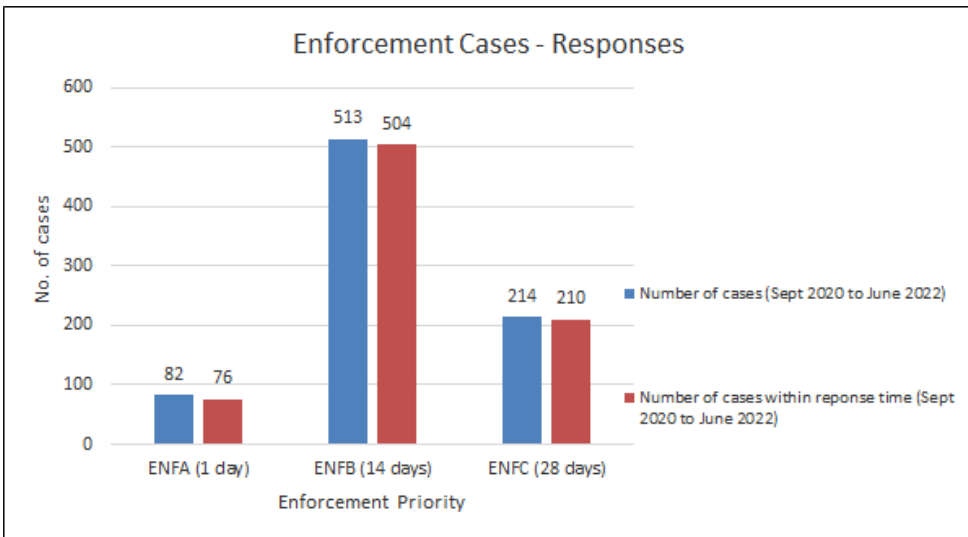


Chart 4 – Response Times Since September 2020

3.0 Outcomes in Quarter 1

	April	May	June	Total
Notices Issued	2	1	2	5
Notices Complied With	1	2	0	3
Appeal Lodged	2	1	1	4
Appeal Determined	1	1	2	4

Table 1 – Details of planning enforcement notices issued and complied with during Q1 of 2021/2022. Also included are details of appeals relating to enforcement notices.

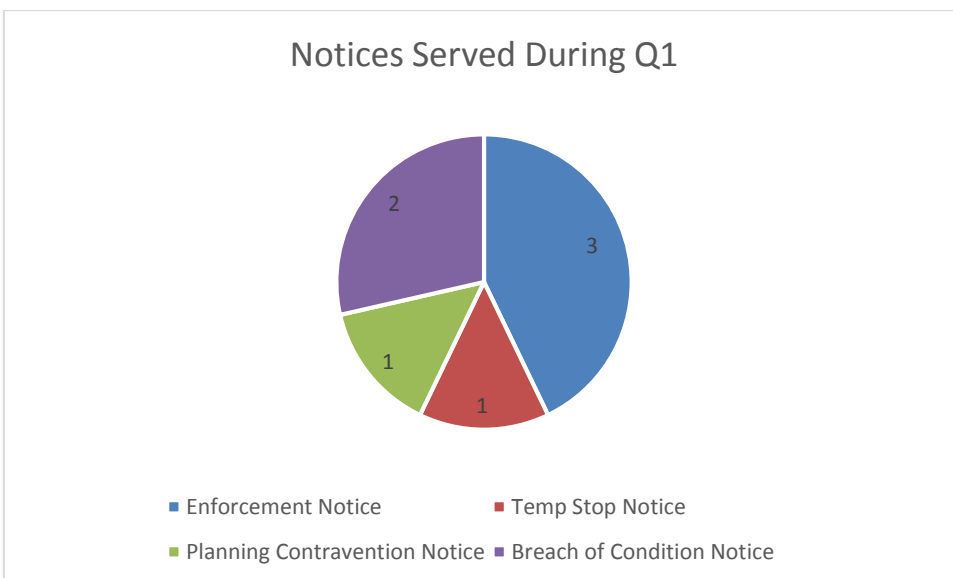


Chart 5 – Notices Served During Q1

4.0 **SCHEDULE B. FORMAL ACTION TAKEN**

Enforcement Ref: 22/00006/ENFB

Site Address: 18 Valley Road, Bilsthorpe

Alleged Breach: Unauthorised erection of extension forward of the principal elevation

Action To Date: Enforcement Notice

Background: A brick outbuilding was being erected to the front elevation of an existing dwellinghouse within Bilsthorpe. The extension was of a significant size and accordingly required planning permission. A retrospective application for planning permission was submitted but refused, and an Enforcement Notice requiring its removal was issued. The Enforcement Notice has been appealed to the Planning Inspectorate.



Enforcement Ref: 22/00022/ENFC

Site Address: 1 Bayford Drive, Newark

Alleged Breach: Unauthorised Outbuilding

Action To Date: Enforcement Notice

Background: A large timber outbuilding had been erected forward of the principal elevation of 1 Bayford Drive. Outbuildings forward of the front of a dwelling require planning permission. A retrospective application for planning permission was submitted but refused and an Enforcement Notice requiring its removal was issued. The Enforcement Notice has been appealed to the Planning Inspectorate.



Enforcement Ref: 21/00355/ENFM

Site Address: Development site off Oldbridge Road, Bilsthorpe

Alleged Breach: Alleged breach of planning conditions relating to the means of enclosure installed around an existing open space/ play areas

Action To Date: Breach of Condition Notice (BCN)

Background: A low height post and rail fence had been erected surrounding the existing play area on Compton Road, separating the play space from the Gleeson Homes development site. The approved plans detailed a 1.8m high close boarded fence and conditions attached to the planning permission required the development to be undertaken in accordance with the approved plans.

An application was submitted to vary the plans to allow for the retention of the post and rail fence but was refused by the Planning Committee.

A breach of condition notice (BCN) has been issued to require the means of enclosure to be amended to comply with the approved plans. The date for compliance with the BCN is 22nd August 2022.



Enforcement Ref: 20/00309/ENFB

Site Address: Kilvington Lakes, Kilvington

Action To Date: Planning Contravention Notice and Temporary Stop Notice Issued

Background: Kilvington Lakes is a designated Local Wildlife Site with an extant planning permission for use as a holiday site dating back to 2015. Officers were notified that a large quantity of soil was being imported onto the land and being spread over ecologically sensitive parts of the land. There is no provision for these works within the extant planning permission for such vast quantities to be spread over the landscape. A Temporary Stop Notice was issued requiring the spreading of soils to cease, and for any additional soils brought onto the land to be stockpiled only in one confined area of the large site, to prevent further ecological harm while a response to a Planning Contravention Notice was being awaited.

Officers continue to assess and investigate the situation alongside Planning Officers at Nottinghamshire County Council, in their function as the planning authority for waste and minerals, to determine the appropriate next steps. Nottinghamshire County Council have also issued a Temporary Stop Notice requiring the importation of soils to cease entirely.



5.0 SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Enforcement Ref: 22/00138/ENFB

Site Address: 71 Walesby Lane, Ollerton, NG22 9UT

Alleged Breach: Untidy Land

Background: The occupant of 71 Walesby Lane has over time acquired an unacceptable amount of broken vehicles, parts and other waste items, storing them on the front garden and driveway of the property. A Section 215 Notice (untidy land) has previously been issued, requiring the land to be cleared. This scenario has repeated itself with further vehicles and items being amassed, however upon contact by officers, the occupant promptly acted to tidy the land and avoid any further formal enforcement action.



Before



After

Enforcement Ref: 21/00388/ENFB

Site Address: Braemar Road, Collingham

Alleged Breach: Unauthorised use of a dwelling as a short-term holiday let

Background: Complaints were received regarding anti-social behaviour, noise and parking issues resulting from the use of this property for short-term holiday lets – advertised through companies such as Air BnB. This is a ‘grey area’ in planning law, and whether a material change of use has occurred is dependent upon the site’s context, scale of the use and its implications for the locality. Complaints were extensive and the alleged behaviour of the occupants unacceptable. Officers corresponded with the owner of the property who removed the property from online rental listings and is now in the process of selling the property.

6.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 21/00152/ENFB

Site Address: Woodlark Close, Rainworth

Action To Date: Planning Applications Refused, Enforcement Notice issued

Background: The enforcement case involves the erection of a pergola and area of raised decking, which overlooked a number of neighbouring gardens due to the difference in land levels. A retrospective application for planning permission to retain both the decking and pergola was submitted – reference 21/01558/HOUSE – which was refused due to the impact upon neighbouring privacy.

An enforcement notice was issued requiring the removal of this development. Initially the decking and pergola was removed, however a subsequent inspection found that the decking had been reinstalled at a lower height. The owners were informed that whilst they may have complied with the Enforcement Notice, the 'new' decking required planning permission and must also be removed. This has now been undertaken.



Enforcement Ref: 18/00271/ENF

Site Address: Sherwood Avenue, Edwinstowe

Action To Date: Enforcement Notice Issued

Background: Without planning permission a flat-roof second storey was being built atop an existing single storey extension, leading to a serious loss of neighbouring privacy, and an uncharacteristic design.

A retrospective planning application was refused and a planning enforcement notice issued which required the extension to be removed and the property returned to its previous condition. The enforcement notice and planning decision were appealed and subsequently dismissed.

Following the appeal a second planning application was submitted. This application proposed the retention of the extension, but with external materials proposed to be more in keeping with the existing character of the area, alongside revisions to the roof.

This application received permission from the Council and alterations have now been made to comply with the approval.



Before



After

7.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers

None