

Report to Planning Committee 10 November 2022
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Report Summary	
Report Title	Quarterly planning enforcement activity update report
Purpose of Report	To update Members as to the activity and performance of the planning enforcement function over the second quarter of the current financial year. 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 that period.
Period covered	1 st July – 30 th September 2022
Recommendation	That Planning Committee notes the contents of the report and the ongoing work of the planning enforcement team.

1.0 Background

This report relates to the second quarter of 2022/23 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 breaches of planning control have been resolved through negotiation, and Notices that have been complied with.

Schedule A outlines the enforcement activity for Q2 in terms of the numbers of cases that have been received and closed (Chart 1) and also provides a breakdown of the reasons for cases being closed (Chart 2). Chart 3 details the performance of the enforcement team when compared against time limits set out within the Newark and Sherwood District [Planning Enforcement Plan](#) (PEP).

Schedule B includes a small number of examples 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.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

Members will note from Chart 1 that the enforcement team has continued to be extremely busy. The summer period is often one of the busiest periods of the year, given that construction work is at its peak during this time. Whilst managing these high numbers, Officers continue to work on cases received earlier in the year, many reaching the stage where formal enforcement action – such as Notices, interviews under caution, or court action - has become necessary. In addition to this, Enforcement Officers are becoming involved in a number of projects beyond the usual caseload.

Members will note the continuing positive trend of cases being closed where the breach has been resolved, as shown within Chart 2, and that the majority of cases of received are not a breach of planning control.

Due to an extended staff absence during the second half of Q2, the number of cases closed is higher at the beginning of the quarter. Initial site visits and actions for new cases received in Q2 continued to be undertaken during this period, despite a reduction in available Officers.

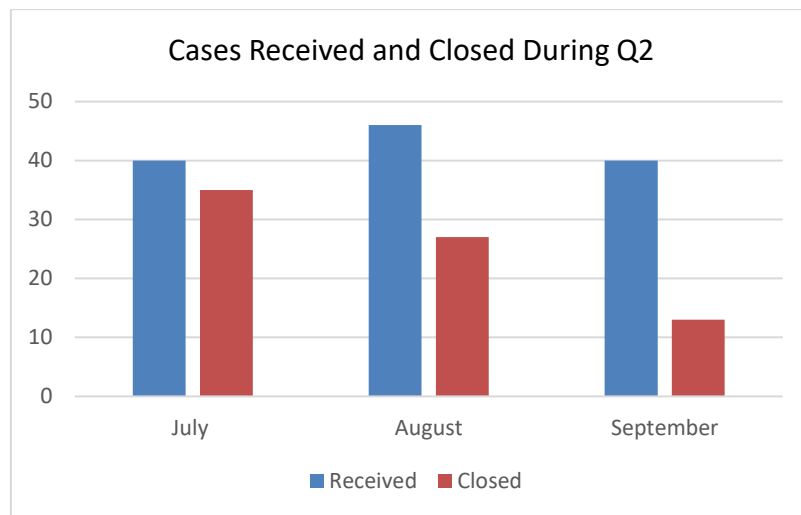


Chart 1 – Cases Received and Closed in Quarter 2 of 2022-23

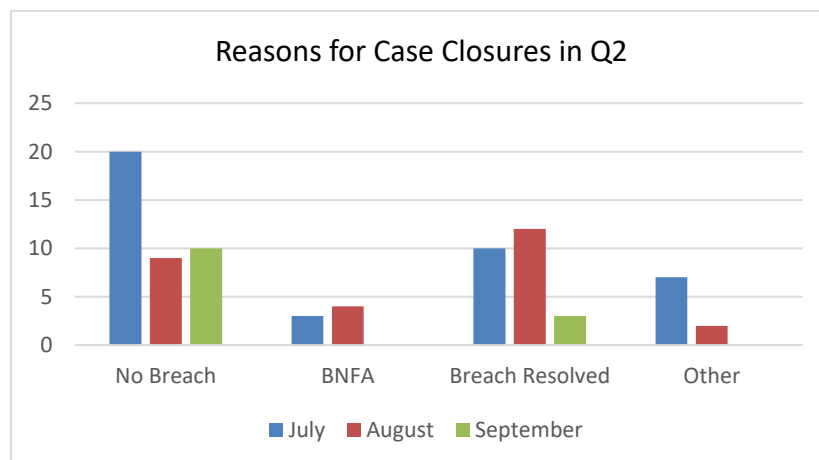


Chart 2 – Reason for Enforcement Cases Closure During Quarter 2 of 2022/2023

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 reduction in staff resource during Q2, the enforcement team has been working with continued commitment to meeting the targets set.

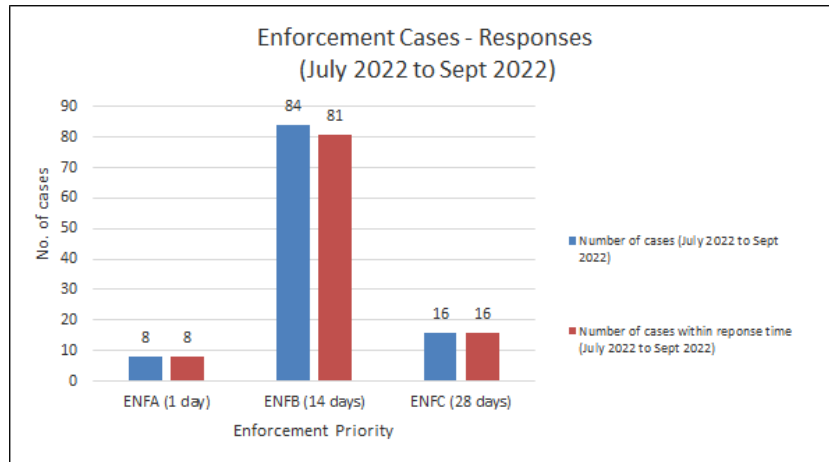


Chart 3 – Response Times in Quarter 2 of 2022/2023

	July	August	September	Total
Notices Issued	11	3	4	18
Appeals Lodged	0	8	3	11

Table 1 – Planning Enforcement Notices Issued During Q2 of 2022/2023 and Number of Appeals Lodged with the Planning Inspectorate.

Members will note the considerable number of enforcement notices that have been issued in Quarter 2 and the high number of corresponding appeals which have been lodged. Officers are also in the process of undertaking legal action for non-compliance with Notices that have previously been issued. Each of these processes is resource-intensive and often complex.

3.0 **SCHEDULE B. FORMAL ACTION TAKEN**

Site Address: Various Sites Across Blidworth – New Lane, Cross Lane, Ricket Lane

Alleged Breach: Unauthorised Erection of Stables

Action To Date: 12 Enforcement Notices Served

Background: Enforcement Officers have undertaken a project to address the large number of unauthorised stable buildings that have been erected on agricultural farmland without planning permission across a wide area of the Nottinghamshire-Derby Green Belt on the outskirts of Blidworth. This has been a resource-intensive task that has resulted in the service of 12 Enforcement Notices to date in the larger Blidworth area, for which 10 appeals have so far been lodged with the Planning Inspectorate. The first of the appeals has been determined and concluded that the development was unacceptable and that the stable block must be removed in accordance with the Council’s Notice. This project and the appeals are ongoing.



Enforcement Ref: 21/00398/ENFB

Site Address: Hawton Road, Newark on Trent

Alleged Breach: Unauthorised Installation of Telecommunications Monopole

Action To Date: Enforcement Notice Issued

Background: A range of telecommunications monopoles, cabinets and antennas were installed on a grass verge on the junction of Hawton Road and Grange Road, without the requisite planning permission having been granted. A retrospective planning application seeking to retain the units was refused – reference 21/02456/FUL – due to the applicants' failure to provide highway safety surveys demonstrating that highway visibility was not unduly restricted. The Notice issued requires the removal of the equipment and the reinstatement of the verge to its previous condition.



4.0 **SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

Enforcement Ref: 22/00084/ENFC

Site Address: Byron Street, Blidworth

Alleged Breach: Unauthorised Rear Extension

Background: Officers were made aware that an unauthorised rear extension had been constructed without planning permission on a tenanted property. The development could not be supported due to its poor design and use of unsympathetic materials. Officers worked alongside the landlord to ensure the development was removed in a timely manner, working to agreeable timescales and thereby avoiding the need for formal enforcement action. The extension has now been removed in its entirety.



Before



After

Enforcement Ref: 22/00097/ENFB

Site Address: Main Street, North Muskham

Alleged Breach: Unauthorised Gate

Background: An unauthorised means of enclosure exceeding the height allowances provided for by permitted development legislation was erected at a prominent location in North Muskham and was a visually dominant feature on Main Street. The frontages of this village are predominantly low walls, metal railings or open frontages. As such, the gate was out of keeping with the character of the village in terms of its height, materials, and design. The owners promptly remedied the breach of planning control by setting the gate back from the edge of the highway, thus complying with permitted development, allowing the gate to be retained but in a more discreet location.



Before



After

Enforcement Ref: 21/00376/ENFB

Site Address: Moor Lane, East Stoke

Alleged Breach: Untidy land, use of the land for storage

Background: Officers were made aware that a parcel of land was being used for the unsightly storage of a range of waste items, including a static caravan, storage containers and general waste items. Officers requested that the landowner clear the site, which has now been undertaken.



Before



After

5.0 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