



Report to Planning Committee 10 August 2023

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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 that period.</p>
Period covered	1 st April 2023 – 30 th June 2023
Recommendation	That Planning Committee note the contents of the report and the ongoing work of the planning enforcement team.

1.0 Background

This report relates to the first quarter from the 1st April to the 30th June 2023 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 where 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). Chart 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) and Chart 5 charts the overall performance since the targets were introduced 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 dialogue and negotiation during the last quarter.

2.0 Schedule A – Outline of Enforcement Activity

Members will note from Chart 1 that the Planning Enforcement team, now made up of four members of staff, continue to receive a high number of alleged breaches that need investigating, having received more cases in Q1 of 2023 than during the same period in 2021 and 2022. This follows an unusually busy Q4, for which many of the cases received during that period continue to be addressed in Q1; either through formal action or ongoing investigation.

Chart 2 details the number of enforcement cases that have been received and closed, since Q2 in 2021. The figures demonstrate that the team has continued to be busy with a high number of cases which are continuing to prove to be complex and require significant officer resource.

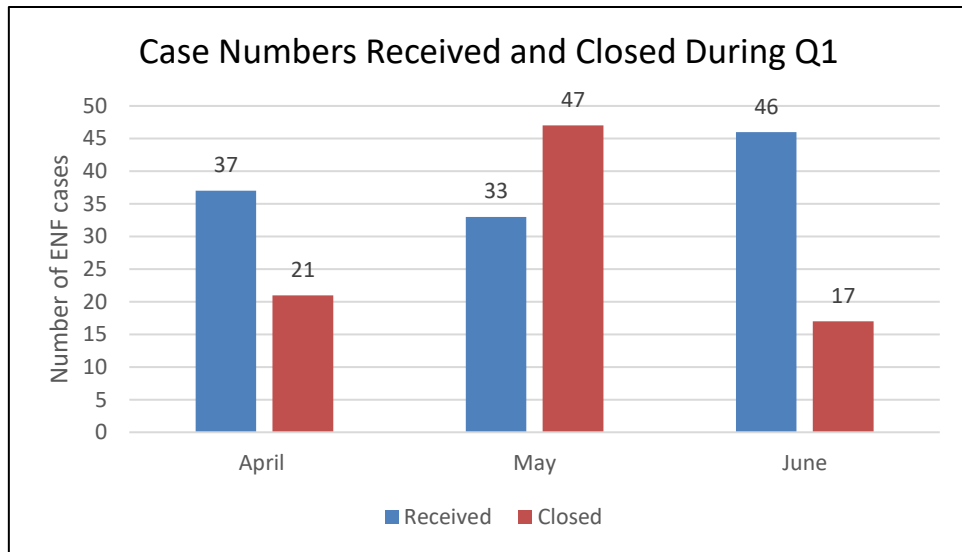


Chart 1

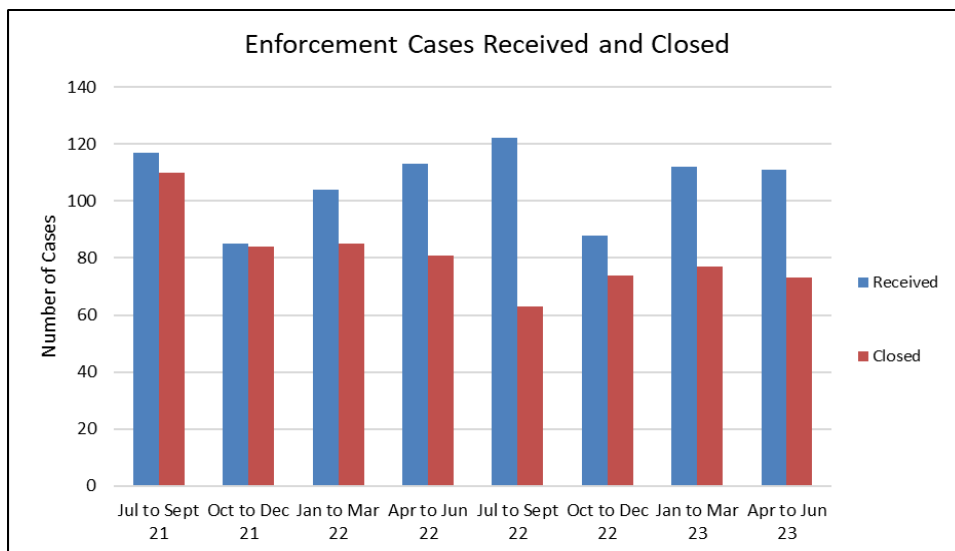


Chart 2

Members will note from Chart 3 that almost 75% of cases that were closed during Q1 were so because they were either not a breach of planning control (including instances where works being undertaken did not require consent or where there was already planning permission granted) or because a breach has been resolved, either through dialogue or formal enforcement action. Although many cases are not a breach of planning control, they nevertheless often still require

significant investigative work from officers, including site meetings and desk-based assessments to establish that this is the case.

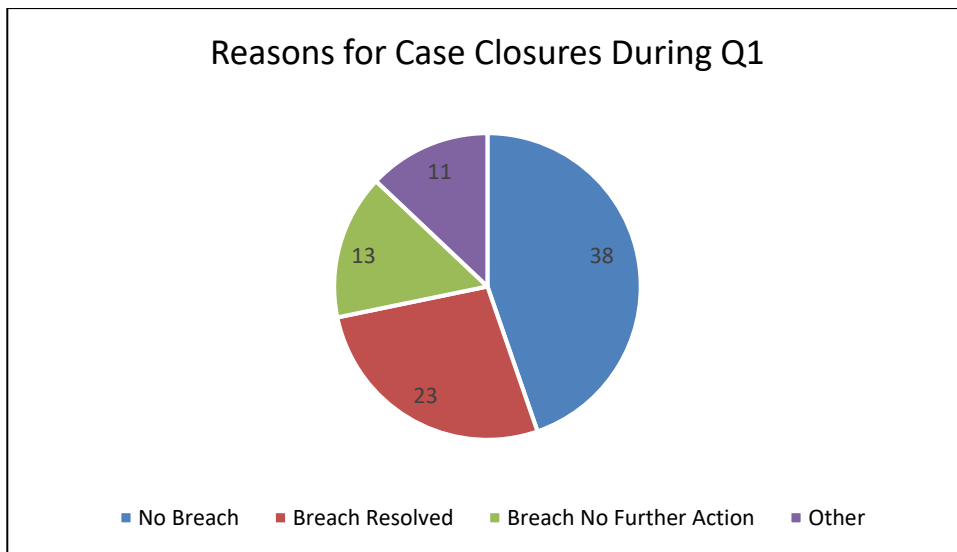


Chart 3

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 despite the consistently high volume of cases, the enforcement team work well towards the targets set out, reaching (96.84%) of the targets set within the PEP during Q1 (chart 4). This mirrors the overall achievement of the team over the period since the PEP was adopted, where the team has met the targets of initial investigations in 97.53% of cases (chart 5).

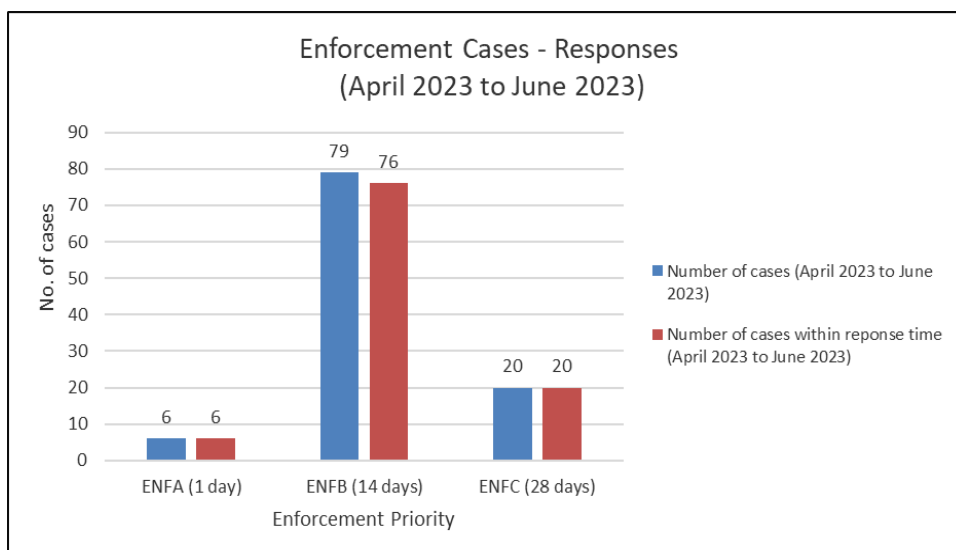


Chart 4

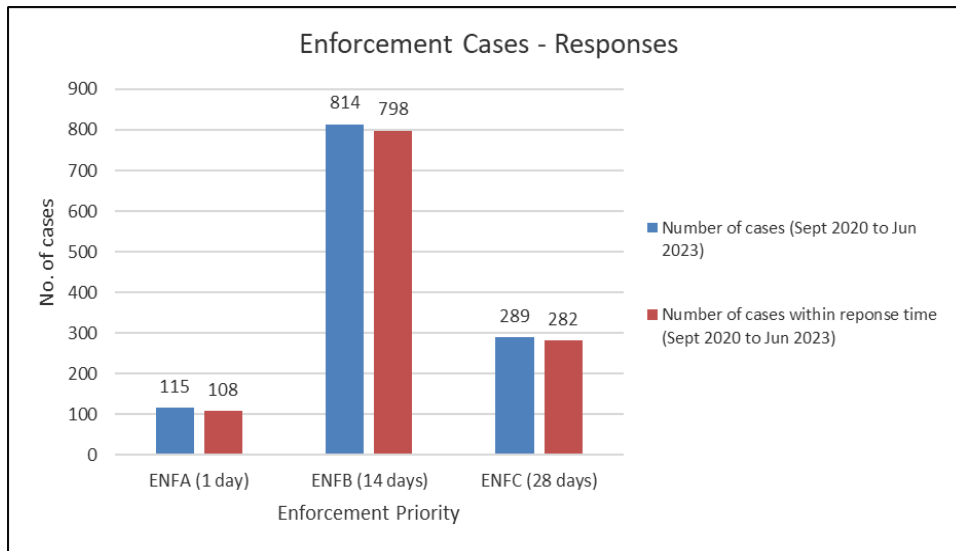


Chart 4

	April	May	June	Total
Notices Issued	3	2	1	6
Notices Complied With	0	2	1	3
Appeals Lodged	0	2	0	2
Appeals Determined	0	3	7	10

Table 1 – Details of planning enforcement action and subsequent appeal results during Q1 of 2023/2024.

Members will note from Table 1 that a significant number of appeals were determined within Q1. The vast majority of these (those determined within June), were linked to a wider project tackling the unauthorised erection of stables and other similar buildings in and around Blidworth (specifically the New Lane/ Cross Lane area). Members will recall that this part of the District is located entirely within the Nottinghamshire-Derby Green Belt. Officers considered that the provision of stables and other similar buildings unacceptably impacted upon the openness of the Green Belt, a key feature of this designation, and therefore issued notices requiring the stables and other buildings to be removed. Those notices were appealed, and the decision of those appeals were received within the Q1. period. The appeals were all dismissed in relation to the buildings (including stables and shelters), subject to minor extension of time given for compliance with the requirements to remove stable structures from the land. The appeals were upheld in relation to allowing the continued use of the land for the keeping of horses.

3.0 Schedule B. Formal Action Taken

Enforcement Ref: 22/00390/ENFB

Site Address: Lindhurst, Rainworth

Alleged Breach: Unauthorised Erection of a Stable Block

Action To Date: Enforcement Notice issued April 2023, Appeal Lodged May 2023

Background: Officers were made aware that a large stable block had been erected without planning permission having been applied for. The land is located within the Nottinghamshire-Derby Green Belt, where development is strictly controlled. A retrospective application for planning permission was refused on account of harm to the openness of the Green Belt, and a corresponding

Enforcement Notice issued. An appeal against this Notice has been lodged with the Planning Inspectorate.

The issue of this enforcement notice is part of the wider project discussed above in relation to the erection of stables and other buildings without planning permission in and around Blidworth (within the Green Belt).



Enforcement Ref: 22/00287/ENFB

Site Address: Farndon Road, Newark

Alleged Breach: Continued Parking, Manoeuvring and Noise issues associated with a car sales premises.

Action To Date: Community Protection Notice Issued

Background: Officers have been engaged for a number of years with the routine nuisance to local residents caused by the actions of a car sales garage. Specifically, the repeated parking, storage and valeting of vehicles on the public highway and along the length of a residential cul-de-sac. The landowner has previously been prosecuted for non-compliance with planning conditions regarding parking, and Officers have now issued a Community Protection Notice (not a planning-specific Notice) requiring the actions which lead to a persistent detrimental impact to residents to cease.

The business has since received a fixed penalty notice (FPN) for failing to comply with the CPN and investigations are ongoing, along with colleagues from the Police and Nottinghamshire County Council Highways.



4.0 Schedule C: Examples of Breaches Resolved Without Formal Action

Enforcement Ref: 23/00051/ENFB

Site Address: Epperstone

Alleged Breach: Unauthorised Erection of Two Outbuildings

Background: During the course of determining an application for planning permission, Officers noted that two unauthorised outbuildings had been erected by the occupiers of a property located within the Nottingham-Derby Green Belt. It was unlikely that the outbuildings would be viewed positively, should an application have been submitted, and as such the owners promptly undertook the removal of the outbuildings, resolving the breach of planning control.



Before



After

5.0 Schedule D – Notices Complied with During Quarter

Enforcement Ref: 18/00346/ENF

Site Address: 29 California Road, Farndon

Action To Date: Planning Enforcement Notice Issued

Background: Officers were asked to investigate the creation of a balcony on top of an existing flat roof extension to the dwelling house. The balcony, which was created by the insertion of a set of doors in place of an existing window, and installation of a rail and decking on the roof was considered to be unacceptable due to the harmful impact upon neighbouring occupiers through the direct overlooking and perceived overlooking of their properties. Requests to remove the balcony were ignored and therefore a planning enforcement notice was issued. The enforcement notice was appealed and the appeal dismissed.

Officers have now noted that the requirements of the enforcement notice have been met and the balcony has been removed.



Before



After

6.0 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