

Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Richard Marshall, Senior Planner (Enforcement), Richard.marshall@newark-sherwooddc.gov.uk

<b>Report Summary</b>	
<b>Report Title</b>	Quarterly planning enforcement activity update report
<b>Purpose of Report</b>	<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>
<b>Period covered</b>	1 <sup>st</sup> April 2024 – 30 <sup>th</sup> June 2024
<b>Recommendation</b>	<p>For noting.</p> <p>The services it assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> <li>• Protect and enhance the district’s natural environment and green spaces.</li> <li>• Be a top performing, modern and accessible Council.</li> </ul>

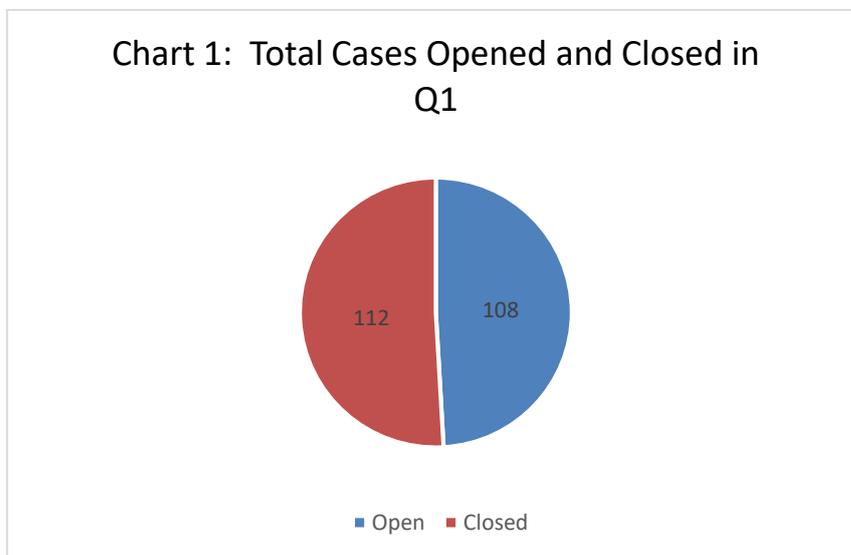
## **1.0 Background**

- 1.1 This report relates to the first quarter of 2024/25 from the 1<sup>st</sup> April to the 30<sup>th</sup> June 2024 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q1 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides an example of a case where officers have managed to resolve the breaches through dialogue and negotiation during the first quarter.

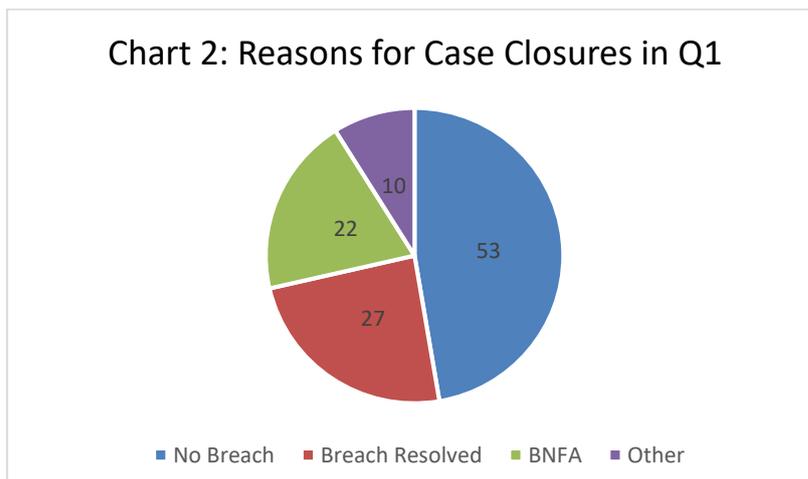
1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows some considerable success that has been achieved by the enforcement team.

## 2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

2.1 Chart 1 sets out the number of new enforcement cases that were received and closed during Q1. Members will note that Officers have managed to close more cases in Q1 than have been opened. Whilst this is not necessarily a demonstration of ‘success’ (as the nature and complexity of cases varies from quarter to quarter) it does demonstrate the amount of hard work being undertaken by officers to resolve cases. This is particularly pertinent at present given the considerable number of intricate and controversial cases that officers are currently enforcing against.



2.2 Chart 2 sets out the reasons why cases have been resolved in Q1. The chart shows that the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit). It is hoped that the number of cases being received which fall in this category will begin to decrease due to recent staff changes which will assist in this ambition by both ‘screening’ cases and providing information to those persons that contact the enforcement services to who they need to direct their concerns to.



- 2.3 Of note is that close to a quarter of cases have been closed due to the breach having been resolved. This can be due to either the identified breach having been removed, a notice having been served (and complied with) or planning permission having been approved retrospectively. Again, this demonstrates benefit of the enforcement teams ongoing efforts.
- 2.4 Chart 3 sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 95% of enforcement cases have been actioned within the target period that is set out within the PEP and again this demonstrates the continuing efforts by the team to meet all targets and objectives that have been set.

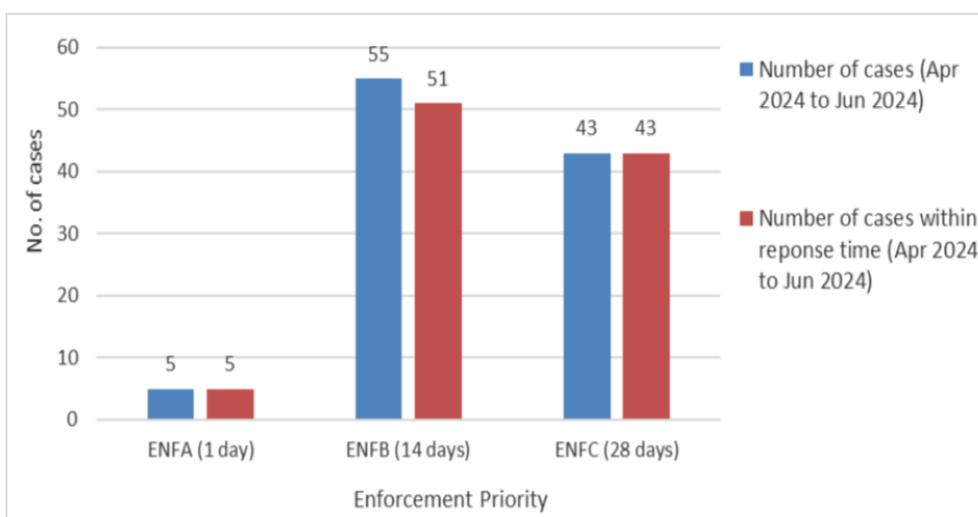


Chart 3 – Response to Case Priority Targets.

- 2.5 Table 1 sets out the number of Notices issued and appeal activity during Q1.

	April	May	June
<b>Notices Issued</b>	2	2	6
<b>Notices Complied With</b>	1	2	0
<b>Appeals Lodged</b>	1	0	1
<b>Appeals Determined</b>	0	1	0

Table 1 – Details of planning enforcement action (enforcement notices) and appeals during Q1 of 2024/25.

### 3.0 **SCHEDULE B. EXAMPLES OF FORMAL ACTION TAKEN**

**Enforcement Ref:** 24/00040/ENFA & 21/00206/ENFA

**Site Address:** The Corn Exchange, Newark

**Alleged Breach:** Unauthorised means of enclosure & concerns about the condition of a Listed Building

**Action To Date:** Enforcement Notice & Section 215 Issued

**Background:**

- 3.1 Officers have been aware of issues regarding the Corn Exchange, with matters relating to the visual impact of the recent addition of a 'smoking shelter' as well as the general poor condition of this important and prominent listed building within Newark.
- 3.2 A planning enforcement notice has been issued in relation to the unauthorised means of enclosure. The Notice requires the structure (smoking shelter) to be dismantled and all resultant parts and materials to be removed from the land.
- 3.3 In addition, a notice has also been issued under Section 215 of the Planning Act. The 'S215 notice' relates to the overall building condition and requires the removal of all items from the rear of the site (facing the river) including items such as umbrellas and fencing, as well as requiring vegetation clearance. The notice also requires the 'making good' (repair and improving in condition) of a number of items identified on the building itself, such as windows, doors and rainwater goods.



**Enforcement Ref:** 23/00429/ENFC

**Site Address:** Blidworth

**Alleged Breach:** Alleged Car Port

**Action To Date:** Enforcement Notice Served

**Background:**

- 3.4 Officers were made aware of the erection of a 'car port' forward of the principal elevation of a dwelling, along with timber fence being installed adjacent to a highway without planning permission.
- 3.5 Despite attempts made by the enforcement team to secure a voluntary resolution to the matter, including the removal of the car port and reduction in height of the fence which was unacceptable in this location, no action was undertaken. Therefore, an Enforcement Notice has been issued. The Notice requires the owner to demolish the car port structure and remove from the land all resultant waste and materials. The notice also requires the fence to be reduced to a height of no more than 1m.



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

**Enforcement Ref:** 23/00137/ENFC

**Site Address:** Kirk Gate, Newark

**Alleged Breach:** Alleged display of fascia signage

**Action To Date:** Breach resolved

**Background:**

- 4.1 Officers were made aware of new signage at this location following the change of use of the former retail shop to a martial arts gym. The new signage was considered to not be appropriate within the conservation area setting of Newark town centre due to the materials used and the overall design (font etc.). This enforcement case was raised as part of the ongoing efforts to improve signage across the town centre.
- 4.2 After consultation with Conservation Officers, and discussions with the owner, a mutually agreeable way forward and timetable was agreed with the owner to carry out the necessary improvements, which have now been completed. The new design has been hand-painted and the text and colour scheme is more consistent with the overall aesthetic of the Newark Conservation Area whilst also maintaining the company's identity and brand.



**Before**



**After**

## **5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER**

**Enforcement Ref:** 23/00097/ENFC

**Site Address:** Epperstone

**Alleged Breach:** Untidy Land

### **Background:**

- 5.1 Officers received complaints concerning the visual impact of a large boat being stored in the rear garden of a residential property, which is located within a prominent position within the Epperstone Manor residential conversion scheme. The boat had been in situ for over 10 years, and was located within the Epperstone Conservation Area, Green Belt and within the former grounds of a grade II listed building (Epperstone Manor).
- 5.2 Considerable efforts to cooperatively have the boat removed in a timely manner were not successful, and as a result a S215 Notice (Untidy Land) was issued in August 2023. The Notice was later appealed to the Magistrates Court but upheld.
- 5.3 Following ongoing proceedings and discussions the boat was eventually removed in May 2024, following notification letters being issued to residents of surrounding road networks requesting the highway be kept free of obstructions. Newark and Sherwood District Council

also sent road sweepers to attend the site on the same date to clear any resultant mud etc. from the boat being removed.



Before



After

**Enforcement Ref:** 23/00378/ENFC

**Site Address:** Blidworth

**Alleged Breach:** Unauthorised Fencing

**Background:**

- 5.4 A fence over 1 metre in height was erected adjacent to the highway, which required planning permission. The fence was not considered to be of appropriate design and had an overbearing and oppressive impact.
- 5.5 Officers attempted to negotiate the removal of the fence, however unfortunately the owner was initially unwilling to remove the fence, which they claimed was necessary to uphold the privacy of their rear garden.
- 5.5 Subsequently a planning Enforcement Notice was issued in May 2024. The fence has now been removed (June 2024) and replaced by a laurel hedge (which doesn't require planning permission). The hedge maintains the privacy of the owner's garden but has a far 'softer' and pleasing appearance than the previous fence.



**Before**



**After**

## **6.0 Implications**

- 6.1 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