



Report to Planning Committee: 11 November 2024

Business Manager Lead: Oliver Scott– Planning Development

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 second 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	2024 Q2 - 1 st July 2024 – 30 th September 2024
Recommendation	That the report is noted.

1.0 BACKGROUND

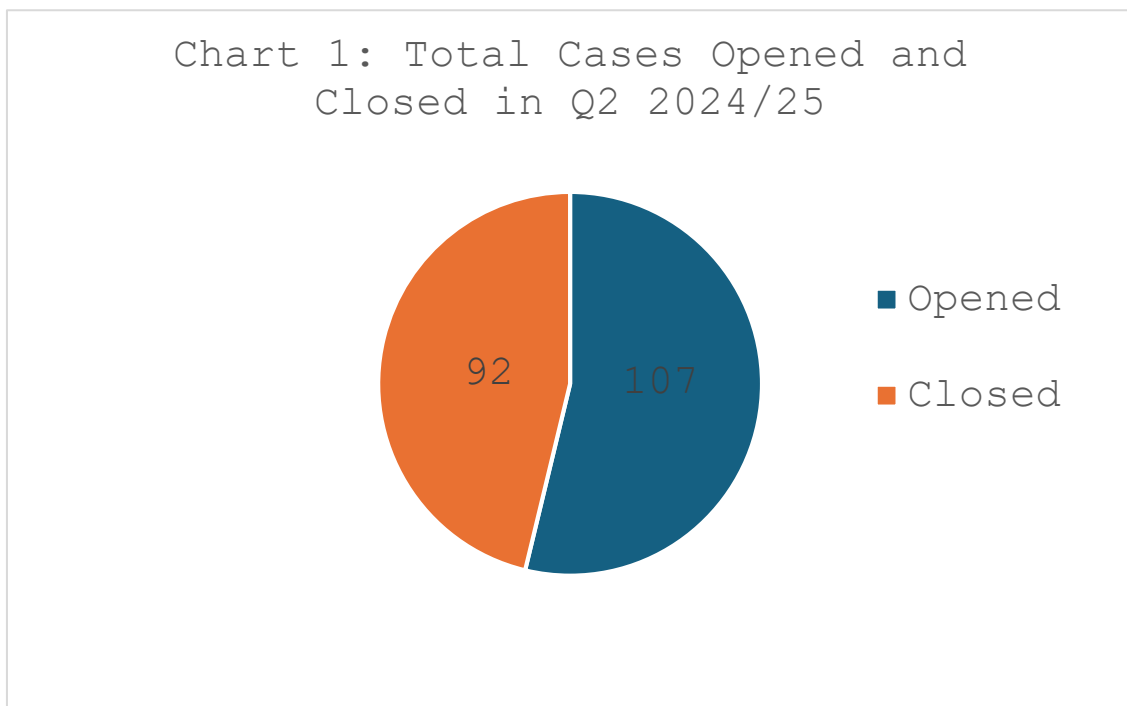
- 1.1 This report relates to the second quarter of 2024/25 from 1st July to the 30th of September 2024, providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q2 in terms of numbers of cases received, response times and the reasons for cases 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 second quarter.

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

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

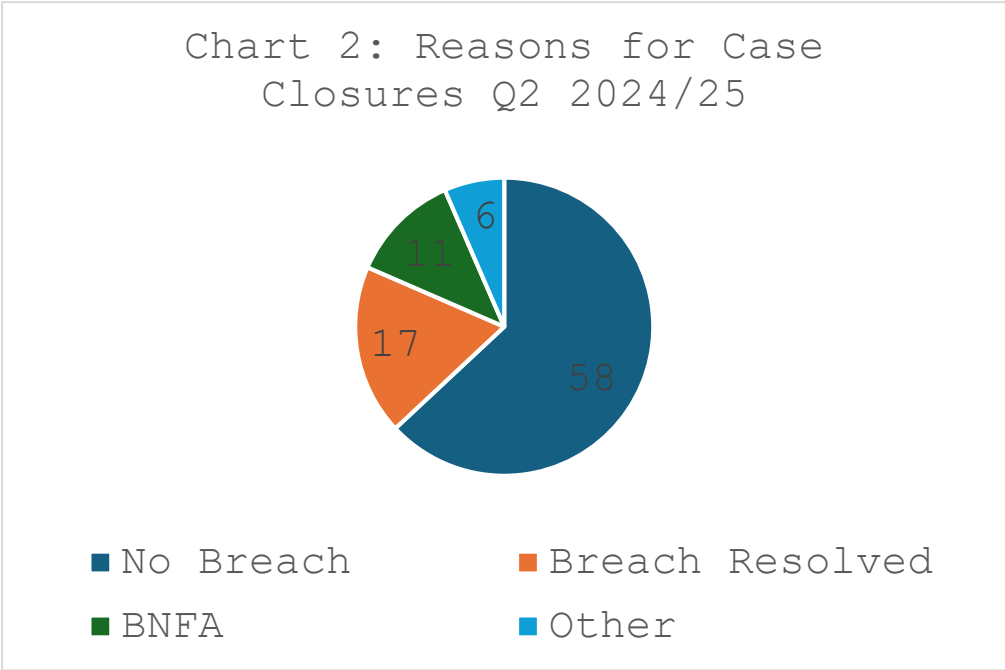
2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q2. Members will note that the numbers are relatively consistent with previous quarters with new cases opening in Q1 at 108 with 107 in Q2. The only minor change from Q1 is the number of cases closed is down by 10 and can be explained by ongoing activity on some of the major cases being handled by officers during this period (as set out within Schedule D). The consistent number of cases demonstrates the ongoing workloads being undertaken by officers and when viewed through the lens of Q2 being ‘summer holiday’ season, the closures and number of cases being investigated shows the hard work of the Enforcement team as a whole.

2.2 It should be noted that as part of the new cases opened in Q2, attempts are being made to introduce more pro-active monitoring of certain types of developments. For example, the Middlebeck and the Southern Relief Road projects have 3 x new ‘Enforcement Monitoring’ cases active in order to stay on top of complaints and concerns from local residents as these projects continue.

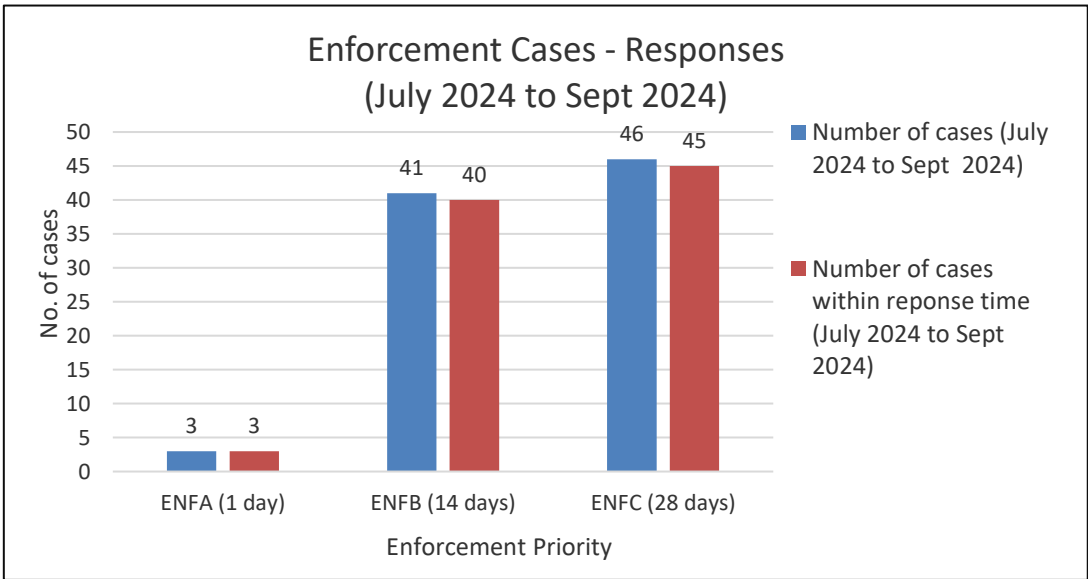


2.3 **Chart 2** sets out the reasons why cases have been resolved in Q2. The chart shows that the highest proportion of cases investigated proved to be ‘No Breach’ – at 63% - but when looking at the actual number it is only 5 higher than Q1 (53 vs 58). The historical average for this category sits at approximately 50% of all cases so this is higher this quarter. Whilst this may be an anomaly, there is also the potential that this reflects the

view that even when a case is received and it suggests 'No Breach', it is still a useful exercise to open the case to investigate and close so there is still a record of the complaint and actions taken by officers. This is particularly useful if, in the future, another complaint was to be submitted for the same case then it does not need to be re-started and re-investigated.



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 98% 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.



2.5 **Table 1** sets out the number of Notices issued and appeal activity during Q2 of 2024/2025.

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q2 of 2024/25			
	JULY	AUGUST	SEPTEMBER
Notices Issued	1	1	3
Notices Complied With	1	1	1
Appeals Lodged	1	0	0
Appeals Determined	1	3	6

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 23/00512/ENFB
Site Address: Stodman Street, Newark
Alleged Breach: Unauthorised Signage
Action To Date: Enforcement Notice Issued

Background:

3.1.1 This ‘new’ shop was opened following many years of ‘Pandora’ trading from this location. It is situated in an extremely prominent position within Newark town centre and in the conservation area, close to the Market Square and Town Hall.

3.1.2 A box fascia sign was installed. The fascia sign, by virtue of its size, lettering and colouring is unduly prominent and visually obtrusive, resulting in unnecessary clutter and detracting from the visual amenity of the area. It was deemed to result in harm to the character and appearance of the Newark Conservation Area.

3.1.3 Enforcement officers were made aware of this following several complaints and began to proactively work towards an improved solution with the owners and occupiers, including providing advice and guidance. An Enforcement Notice was issued in September requiring that the box fascia be removed from the building. The aim of this is to encourage the replacement more sympathetic to its location.

3.1.4 The owners have until 9th December for compliance.

Initial Complaint photo and 'current' view of store front.



3.2 EXAMPLE 2

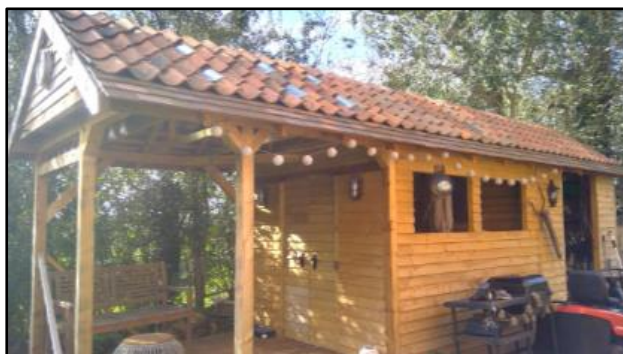
Enforcement Ref: 23/00396/ENFB
Site Address: The Mill, Rolleston
Alleged Breach: Erection of a Summerhouse in the Curtilage of the Listed Building
Action To Date: Enforcement Notice Issued

Background:

3.2.1 A complaint was received regarding the erection of a summerhouse in the curtilage of the Grade II Listed Building. It was assessed that such a development would require planning permission, but any submission would not benefit from the support of the conservation team.

3.2.2 The outbuilding was deemed to be 'too domestic in nature' and therefore harms the character of the Grade II Listed Building. An Enforcement notice was issued in September requiring the demolition of the outbuilding and to remove the resultant waste materials from site, all by March 2025.

Initial Complaint Photo



3.3 EXAMPLE 3

Enforcement Ref: 23/00368/ENFB
Site Address: Landseer Road, Southwell
Alleged Breach: Alleged unauthorised extension and balcony
Action To Date: Enforcement Notice Issued.

Background:

3.3.1 The owner of this property created, without planning permission, a balcony on the existing flat roof at the rear of this property that overlooked neighbouring properties and, if used, would be an overbearing impact on those properties.

3.3.2 This was initially investigated in 2019 with the matter resolved following compliance with an enforcement notice after decking boards were removed. However, the complaint resurfaced in 2023 with the reintroduction of the 'balcony' development.

3.3.3 Contact with the owner and access to the property has been difficult to resolve, which has resulted in a new enforcement notice being issued in July 2024. This notice requests the removal of the balcony platform by the end of November.

Initial Photo Following 'new' Complaint

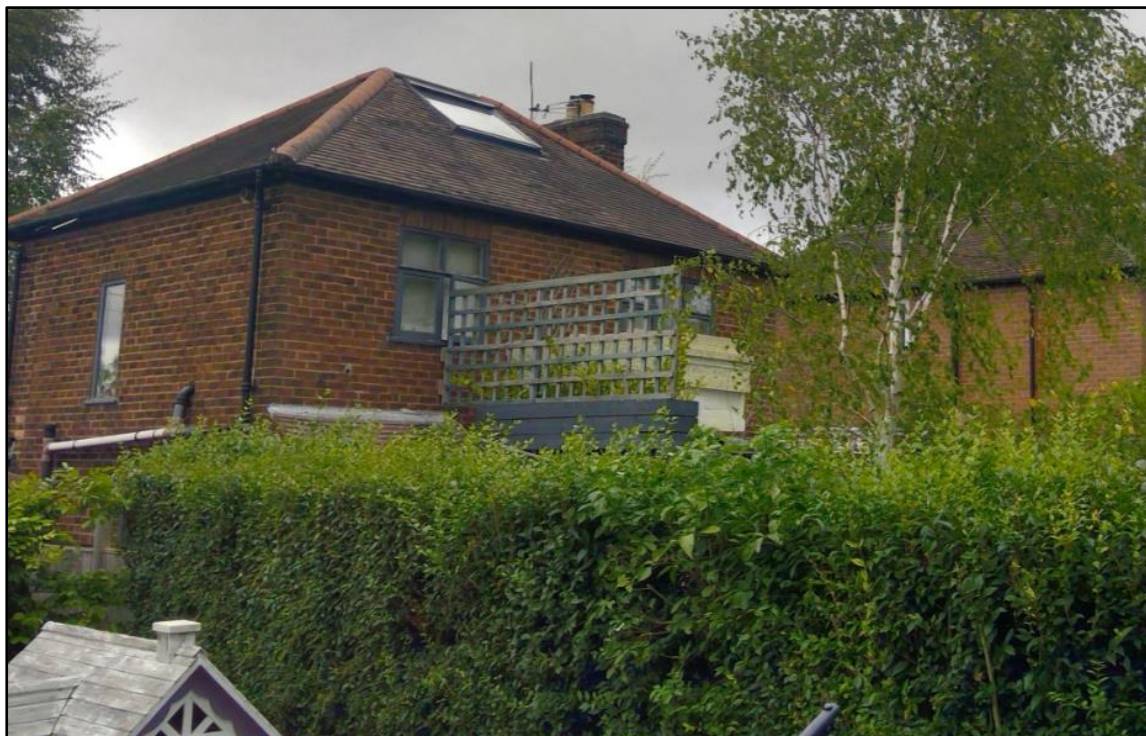


Photo from previous Enforcement activity in 2019



4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER

4.1 EXAMPLE 1

Enforcement Ref: 23/00478/ENFA
Site Address: Mill Gate, Newark
Alleged Breach: Unauthorised security barrier
Action To Date: S330 Notice Issued

Background:

4.1.1 This Grade II Listed Building was, until relatively recently, a care home and is located on Mill Gate, which is within the Newark Conservation Area. Around August 2023, a large timber 'security barrier' was installed without planning permission. This installation was, according to the then owners, an attempt to secure the empty building and prevent trespass. Shortly after the case being opened, towards the end of 2023, the building was sold.

4.1.2 In early 2024 the new owners were contacted to request the gates be removed. A dialogue commenced. As the removal was not carried out, further action was carried

out that resulted in a Section 330 notice (a request for information relating to site ownership in preparation for potential further action) being issued in August 2024. Following this initial 'action', the barrier/gate was removed late September.

Before Action



After Action



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 22/00096/ENFB
Site Address: 'Chicken/Mushroom' Shed, Kilvington.
Alleged Breach: Alleged creation of dwelling without planning permission - linked to 09/00843/FUL.
Action To Date: Enforcement Notice Issued and complied with. Case closed.

Background:

5.1.1 In 2022, the owner contacted NSDC for a pre-application planning advice relating to a 'chicken shed' that had been erected on site following planning permission being approved in 2009. During the investigations, a potential breach of that original permission was revealed which led to this enforcement case.

5.1.2 It was found during the course of the investigation that although the building which had been erected was of a similar size and layout to the previously approved agricultural development, the use and external details differed significantly from what had been approved.

5.1.3 In particular, Members attention is drawn to the numerous glazed 'domesticated' doors and windows that had been inserted within the building, as opposed to roller shutters (as shown within the 'before' photograph below). It was also noted that the building had been insulated and plastered throughout, concurrent with a domestic use as opposed to the housing of chickens.

5.1.4 Subsequent applications for planning permission were submitted (22/01168/FUL - Retention of building for use as holiday accommodation) and (22/01832/FUL - Retention of and Alterations to Building for Agricultural use). The former being refused permission and the latter being undetermined.

5.1.5 In accordance with the above decisions a planning enforcement notice was issued. The notice effectively alleged that the building did not benefit from planning permission as the design etc differed so significantly from the original approval, and also because of the alleged difference in intention of use. The enforcement notice required the complete demolition of the building.

5.1.6 The issue of the enforcement notice, refusal of planning permission for the change of use of the building to holiday accommodation, and the non-determination of the planning application for the use of the building for agricultural purposes were the subject of appeals. The decisions, issued in December 2023, were to uphold the Council's decision to refuse planning permission and to issue the planning enforcement notice. However, the appeal against the non-determination of planning permission was upheld and consent granted to use the building for mushroom growing/ agriculture. However, the Inspector imposed a condition that should the proposed changes to the

building not take place, external changes that included the removal of the bi-fold doors and double-glazed windows - to be replaced with timber cladding and cowls, the building must be demolished. In addition, a condition was also imposed that the building could only be used for agricultural purposes.

5.1.7 The owner has since made these changes and complied with these conditions and the enforcement case has therefore been closed. Annual monitoring has been diarised by the enforcement team to inspect the building and to check the ongoing use.

Before Action – External



Before Action – Internal



After Compliance



After compliance



5.2 EXAMPLE 2

Enforcement Ref: 23/00182/ENFB
Site Address: Former Red House Sawmill, Ollerton
Alleged Breach: Alleged Untidy Land
Action To Date: Section 215 Notice Issued and Complied with.

Background:

5.2.1 This matter was raised as a complaint via a Councillor in May 2023 regarding the state of this 'empty' piece of land that held a planning permission for residential

development. Initial investigations between NSDC Enforcement and Environmental Health teams commenced and it was revealed that the land had been accessed and used to illegally deposit waste. The owners agreed to clear the waste and secure the site. Unfortunately

5.2.2 Unfortunately, the works were not undertaken as agreed and further complaints were received in the Spring of 2024. Following this, the site owners were issued with a Section 215 Notice (Untidy Land) that took effect in June 2024 that requested they secure the removal of waste items (in the correct manor), tidy the site of any salvageable items, cut and trim the overgrown foliage and to also repair the defective boundary.

5.2.3 Reports of their compliance with the S215 Notice were received and noted shortly afterwards. A final site visit was conducted in early September to confirm that the land had been cleared with development commenced under their permission.

Before Action



After Action



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 referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

7.1 The report is noted.

8.0 BACKGROUND PAPERS

8.1 None.

END OF REPORT