

Report to Planning Committee: 13 February 2025
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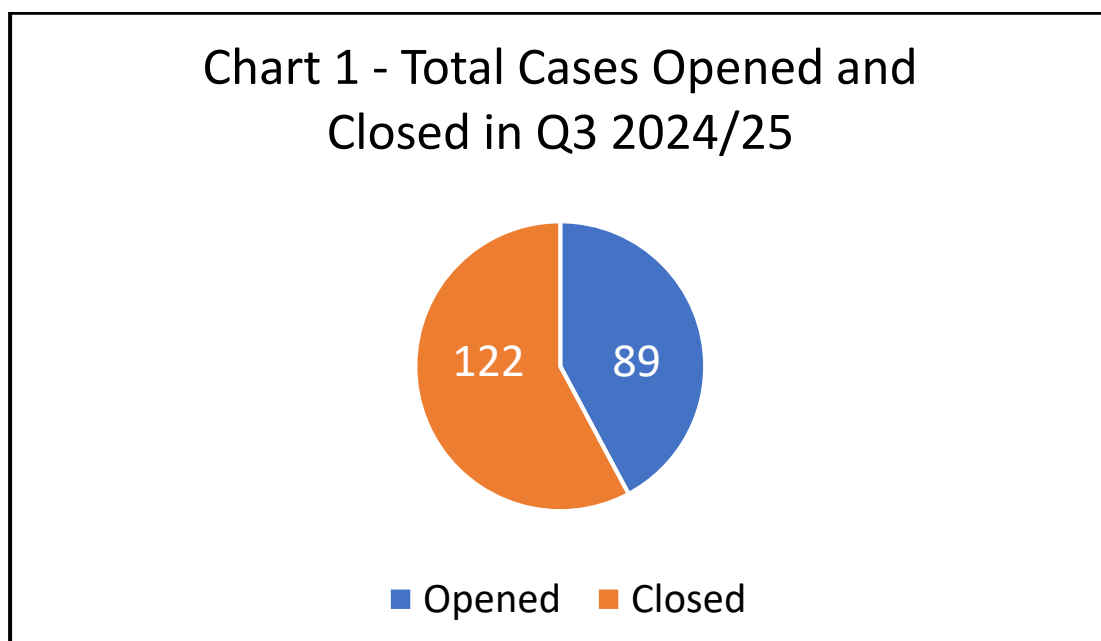
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the third quarter of the current financial year.</p> <p>To provide Members with examples of cases that 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 Q3 - 1 st October 2024 – 31 st December 2024
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

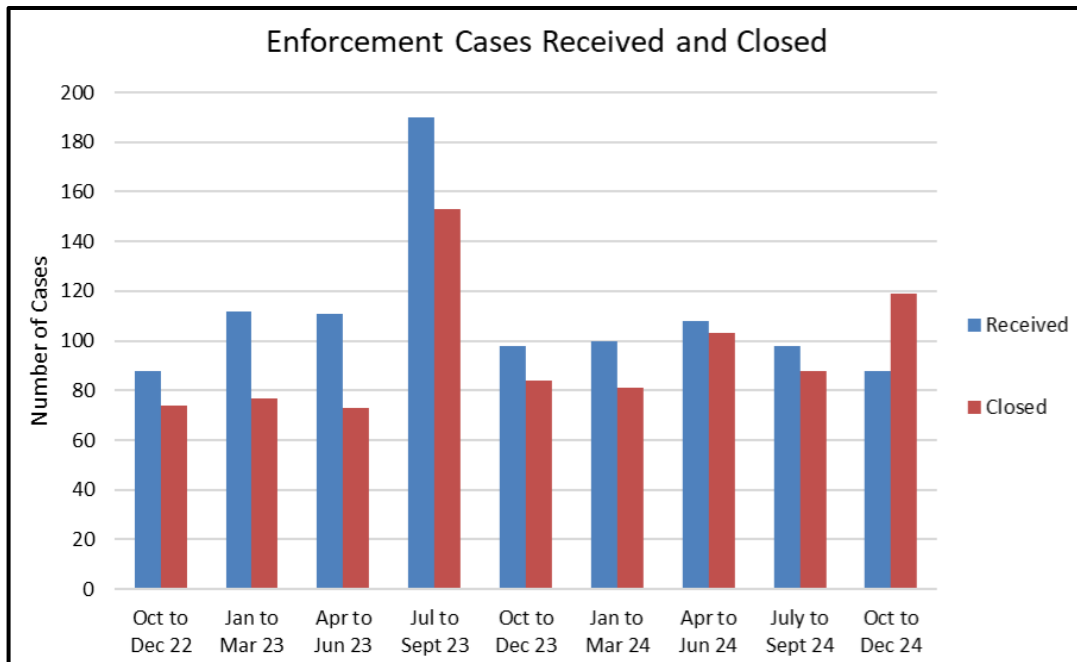
- 1.1 This report relates to the third quarter of 2024/25 from 1st October 2024 to the 31st December 2024 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q3 in terms of numbers of cases received, response times and the reasons for 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 third quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

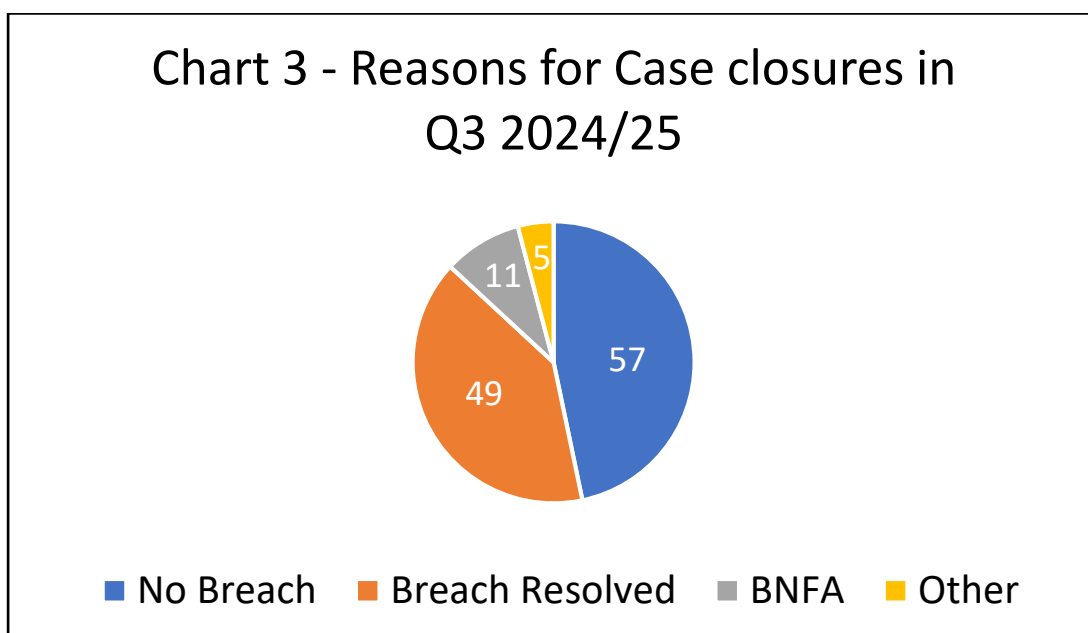
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q3. Members will note that Officers have managed to close significantly more cases in Q3 than have been opened. Whilst this is not necessarily a demonstration of ‘success’ (as the nature and complexity of cases varies from quarter to quarter) it does demonstrate the amount of hard work being undertaken by officers to resolve open cases.
- 2.2 A project has recently commenced to review older cases and it should be noted that this has contributed to the number of cases being closed in Q3. This will be an ongoing focus going forward into Q4.



- 2.3 **Chart 2** provides a longer time-view of the number of enforcement cases that have been opened and closed in each quarter dating back to Q3 of 2022/23. It should be noted that, apart from the spike in cases during Q2 of 2023/24, the number of cases opened and closed each quarter remains relatively consistent. It will also be noted that the number of cases opened each quarter has been higher than those closed each quarter. This ‘look back’ helps to demonstrate the impressive performance from the entire enforcement team during this most recent quarter in their efforts to reduce the overall number of active cases.

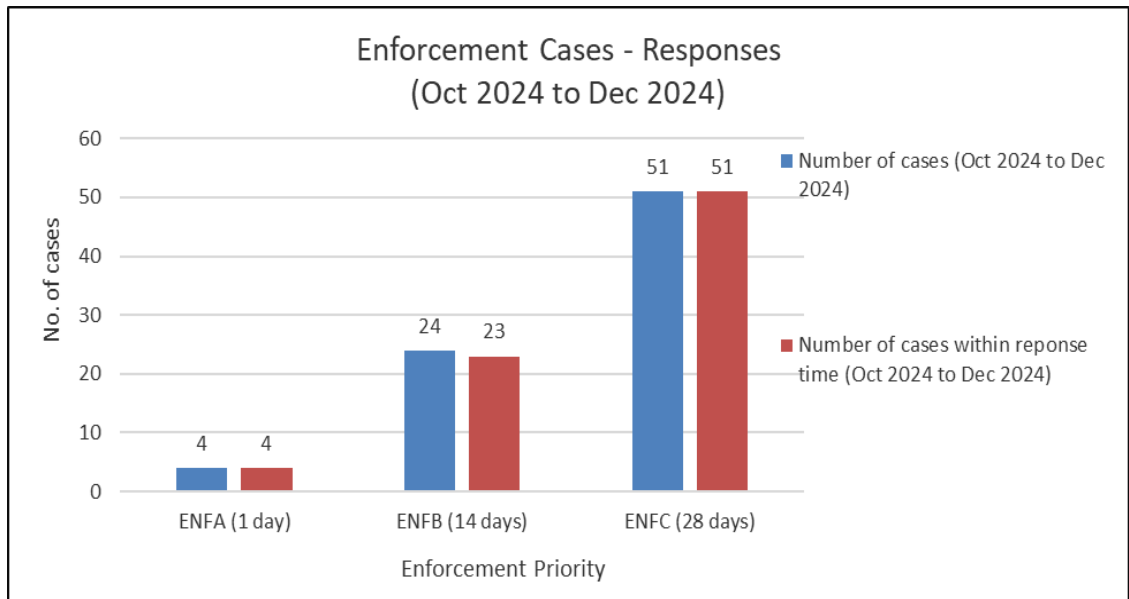


2.4 **Chart 3** sets out the reasons why cases have been resolved in Q3. As is generally the case, the chart shows approximately half of cases were closed as 'No Breach'. It remains important to investigate these cases so there is a record of the complaint and a case file with any associated actions and notes. It is noteworthy that Q3 has seen a sharp increase in cases closed as 'Breach Resolved', increasing from 11 in Q1, 17 in Q2 to an impressive 49 in Q3. The remaining categories (BNFA and Other) have held close in Q3 to the numbers in Q2.



2.5 **Chart 4** 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 99% of enforcement cases have been actioned within the target period with just a single case falling outside of this target. This once again demonstrates the continuing efforts by the team to meet all targets and objectives that have been set.

Chart 4 – Response to Case Priority Targets in Q3 2024/25



2.6 **Table 1** sets out the number of Notices issued and appeal activity during Q3 of 2024/2025.

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q3 of 2024/25			
	OCTOBER	NOVEMBER	DECEMBER
Notices Issued	1	2	2
Notices Complied With	3	0	3
Appeals Lodged	1	1	0
Appeals Determined	0	0	2

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 24/00352/ENFB
Site Address: The Vineries, Southwell
Alleged Breach: Alleged breach of conditions - works commenced ahead of discharge of conditions.
Action To Date: Stop Notice issued.

Background:

- 3.1.1 Outlined planning permission granted in June 2021 for the erection of 45 dwellings on the site. The permission was subject to 20 conditions, many of which were required to be discharged before development commenced on the site, required details to be submitted as part of a Reserved Matters application or required ongoing compliance.
- 3.1.2 Planning permission was subsequently granted in September 2024 for the matters reserved by the previous application. As with the Outline permission, this consent was the subject of many conditions that were required to be complied with.
- 3.1.3 Both approvals required works to be undertaken to the existing highway network, including the installation of a new mini roundabout and other alterations (referred to as S278 works).
- 3.1.4 Following the granting of planning permission, the Council we were made aware that activity had commenced onsite in late October 2024 – without many of the pre commencement planning conditions having been approved. Investigations were undertaken, and officers were informed by the developer that the works were part of the S278 works, and that there was some activity taking place on the site itself to facilitate these works.
- 3.1.5 Subsequently, the onsite works have intensified, and we have later learnt that the works were both to facilitate the S278 works and also the main development. At this point, despite applications having been made to discharge the planning conditions (which included details of the drainage on site and a Construction Management Plan (CMP) which controls the construction activity – such as traffic movements and preventing mud on roads), the submitted details had not been approved notwithstanding works continuing on the site.
- 3.1.6 Ongoing inspections by Officers noted a number of concerning aspects on the construction phase of the site, such as a new temporary access having been created, a lack of wheel washing facilities and insufficient tree protection measures. Discussions were held between Officers and the developer, and this resolved some of the outstanding issues. However, several of the important planning conditions remain outstanding and therefore, given the rate that the development is

progressing, and the number of issues that still exist on the site, it was considered expedient to issue a Temporary Stop notice (TSN).

- 3.1.7 The purpose of the TSN is to cease all development on the site for the duration of the Notice (56 days – until 11th February 2025) – other than the developer making the site safe. The intention of issuing the notice is to pause the development and thus allow for the developer opportunity to ensure that sufficient information is submitted to allow us to discharge the planning conditions and ensure that the development complies with all aspects of the planning permission.



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

4.1 EXAMPLE 1

Enforcement Ref: 24/00151/ENFC
Site Address: The Crown Hotel, Southwell
Alleged Breach: Unauthorised Advertisement Banners
Action To Date: Investigation completed. Breach Resolved

Background:

- 4.1.1 A complaint was received in April 2024 regarding 2 advertising banners that were externally displayed on this Grade II listed building that is prominently located within the Southwell conservation area.
- 4.1.2 Advert regulations were assessed and with no consent in place, it was deemed that the banners were illegal. Contact was made with the owner/occupier advising them of this issue with a request that both banners were removed. The owner did remove the 1st banner (*Birra*) but expressed a desire to retain the ‘Sky Sports’ banner. This was left in place despite the requests of the case officer.
- 4.1.3 In September 2024, the Sky Sports banner was still seen to be in place, so the enforcement officer contacted the premises and requested that the remaining banner be removed within 7-days. A compliance visit shortly afterwards this time noted the banner had been removed so the case could be closed as ‘breach resolved’.

Before Photos



After Compliance



4.2 EXAMPLE 2

Enforcement Ref: 22/00356/ENFB (MR)
Site Address: 'Countryside' Development, Middlebeck
Alleged Breach: Breach of condition 12 of permission - linked to bat & bird boxes.
Action To Date: BCN Issued and complied with. Case closed as breach resolved.

Background:

- 4.2.1 A complaint was received from a new resident regarding bird and bat boxes not being installed across the development in line with condition 12 of the planning permission. This condition detailed that the boxes should be installed 'Prior to the occupation of the first dwelling'. Initial site inspections did not identify any installed. The developer was urged to comply with Condition 12, however they subsequently outlined that as the properties were now occupied, they would be unable to remedy the breach as per the approved plans. In consequence the developer applied to vary the plans within 23/00244/DISCON, which was accepted.
- 4.2.2 Despite the developers' efforts to have the case closed, the case continued with further visits showing no signs of the boxes despite the properties beginning to be occupied. The developer was warned that a BCN would be issued if this matter wasn't rectified. The response was to install 1 x bird box and 1 x bat box.
- 4.2.3 The developer was reminded of the need to fully comply with the permission and were again warned a BCN would be issued if this matter was not resolved. Following this, they responded and set out the features that were missing would be installed immediately. The LPA received a survey showing the installation of all but 3 of the boxes adding that those would be installed ahead of occupation.
- 4.2.4 A final site visit was carried out to confirm that all boxes have been installed as per the permission. One unoccupied site remained with an assurance that the

specified box would be installed upon occupation. The case was agreed to be closed as the breach was resolved. The developer has been advised that a case can be reopened if this final box is not installed upon occupation.

Photos after compliance



4.3 EXAMPLE 3

Enforcement Ref: 24/00126/ENFC / 24/00125/ENFC / 24/00109/ENFB
Site Address: Normanton Road & Blackbrook Road - Newark
Alleged Breach: Alleged extension of residential curtilage
Action To Date: Investigated and resolved.

Background:

- 4.3.1 The cases were opened following a complaint that multiple dwellinghouses had extended their residential curtilage into an area of unused scrubland to the north of their homes. An initial site inspection was undertaken in April 2024 and identified that a number of properties were in the process of or had already extended their residential curtilage to the rear of their property. Extensions to residential curtilages included examples such as a formal allotment demarcated and leisure space. As the use of the land was connected to existing residential uses, they were considered to be extensions of the residential use.
- 4.3.2 Within these cases, a breach was therefore identified. It was considered that as a matter of fact and degree the character and appearance of the land as well as access to the land had been changed. The land had a residential feel and appearance of a domestic nature which is emphasised with various domestic paraphernalia.
- 4.3.3 No applications were invited as this form of development is not acceptable in principle and planning permission was therefore extremely unlikely to be forthcoming. The land is in the open countryside. Works were required to be undertaken to return the land to its former state and use of the land for residential purposes required to cease.

- 4.3.4 Officers subsequently inspected the site in November 2024. It was noted that the use of many of the area of land for residential garden space had ceased and all paraphernalia had been removed (with exception to some pallets).
- 4.3.5 It should be noted that the LPA is still investigating one outstanding case regarding a material change of use and physical development consisting of a patio and fencing.

Before Photos





After Compliance





5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00425/ENFB
Site Address: Oxton Road, Southwell
Alleged Breach: Alleged change of use of field to dog training venue
Action To Date: Enforcement Notice issued and complied with. Breach Resolved.

Background:

- 5.1.1 'Notts K9' a dog training business, began operating from a horse paddock outside of Southwell. A case was opened following a complaint in relation to the noise throughout the day given the remote location. Classes were advertised online and were running 9-5pm and often at weekends.
- 5.1.2 A retrospective application was submitted and validated (23/01758/FULM) but received a number of objections, including a highways objection which could not be overcome. The application was withdrawn and a PCN issued to ascertain further information.
- 5.1.3 An Enforcement Notice was issued in June 2024, requiring the use to cease and all items associated with the business to be removed from the land, by October 2024. A site visit in October 2024 confirmed that all items have been removed, along with signage for the business. The Facebook page for the business stated that Notts K9 has now ceased trading. The case was then closed as the breach had been resolved.

Before Compliance



After Compliance



5.2 EXAMPLE 2

Enforcement Ref: 21/00206/ENFA & 24/00040/ENFA
Site Address: The Corn Exchange, Newark
Alleged Breach: Concerns about the condition of a listed building & unauthorised means of enclosure
Action To Date: TBC

Background:

- 5.2.1 This prominent Grade II listed building is situated in Newark Town Centre and within the Newark conservation area and was reported to be in a poor state of repair whilst vacant, so a case (21/00206/ENFA) was initially opened and investigated. In addition to this, early in 2024, after the building had reopened as a nightclub (known as Club X), a further complaint was received regarding barriers that had been installed without permission in front of the building as well as an enclosed 'smoking area' to the rear and barrier fencing that had been installed across the width of the property. A case was opened (24/00040/ENFA) to attempt to overcome these additional matters. Both cases were investigated and progressed in tandem by the enforcement officer.
- 5.2.2 A section 215 (untidy land) notice and a planning enforcement notice were concurrently issued. The 215 required a range of repairs to be undertaken to the building and the enforcement notice required the removal of the 'smoking' enclosure. The objective of both of these notices was to improve the visual condition of the building from the public realm.

5.2.3 After much encouragement, the leaseholder (supported by the landlord) rectified the issues that were raised and carried out the necessary repairs and actions for compliance to be reached.

Before Photos (24/00040/ENFA)



After Compliance (24/00040/ENFA)





Before Compliance (21/00206/ENFA)



After Compliance (21/00206/ENFA)



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