

Report to Planning Committee: 8 May 2025
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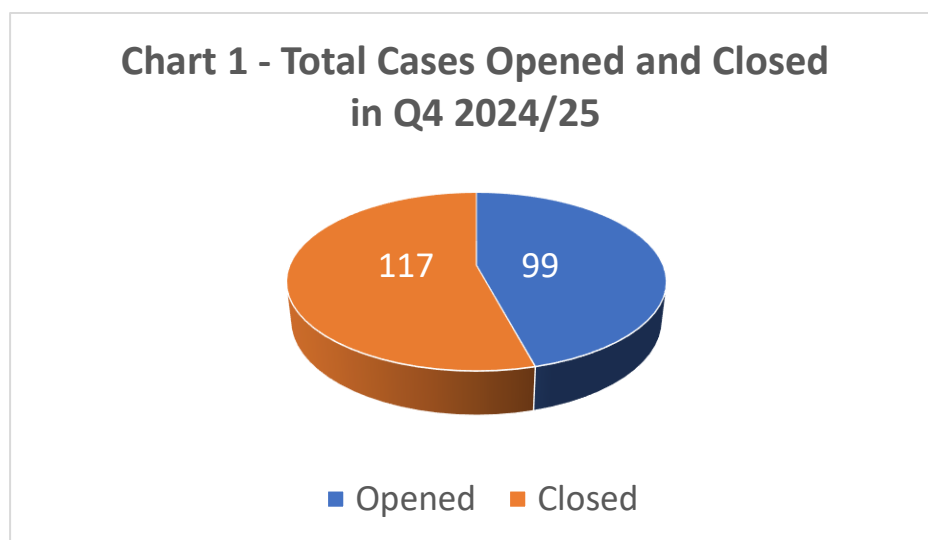
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that 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	2024/25 Q4 - 1 st January 2025 – 31 st March 2025
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

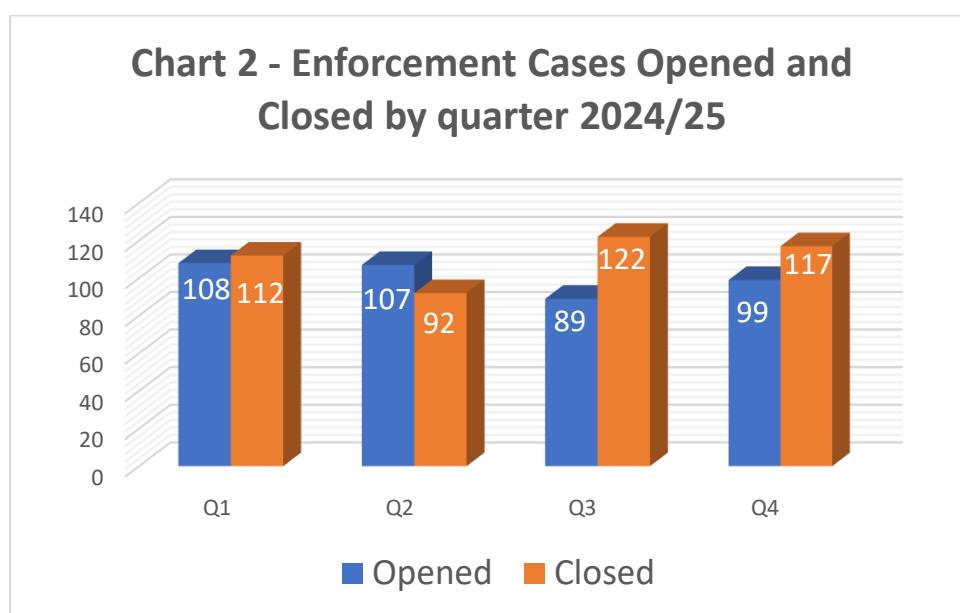
- 1.1** This report relates to the fourth quarter of 2024/25 from 1st January 2025 – 31st March 2025, providing an update on enforcement activity during this period.
- 1.2** Schedule A outlines the enforcement activity for Q4 in terms of numbers of cases received, response times and the reasons for cases 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 fourth quarter.
- 1.5** Schedule D provides examples of Notices having been complied with. The examples within the report show the ongoing success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

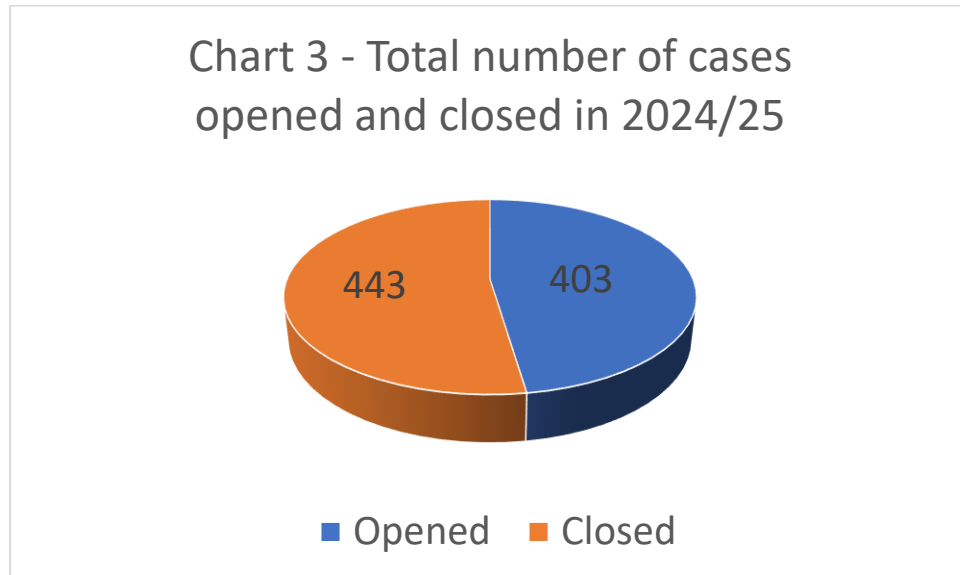
- 2.1** **Chart 1** sets out the number of new enforcement cases that were received and closed during Q4. Members will note that the number of cases closed within Q4 was 18 more than the number of new cases opened. This illustrates the continuing hard work and commitment shown by case officers to bring cases to a conclusion as they continue to handle a substantial number of cases of varying complexities. The closure rate also can be partly attributed to the continuing project reviewing older cases.



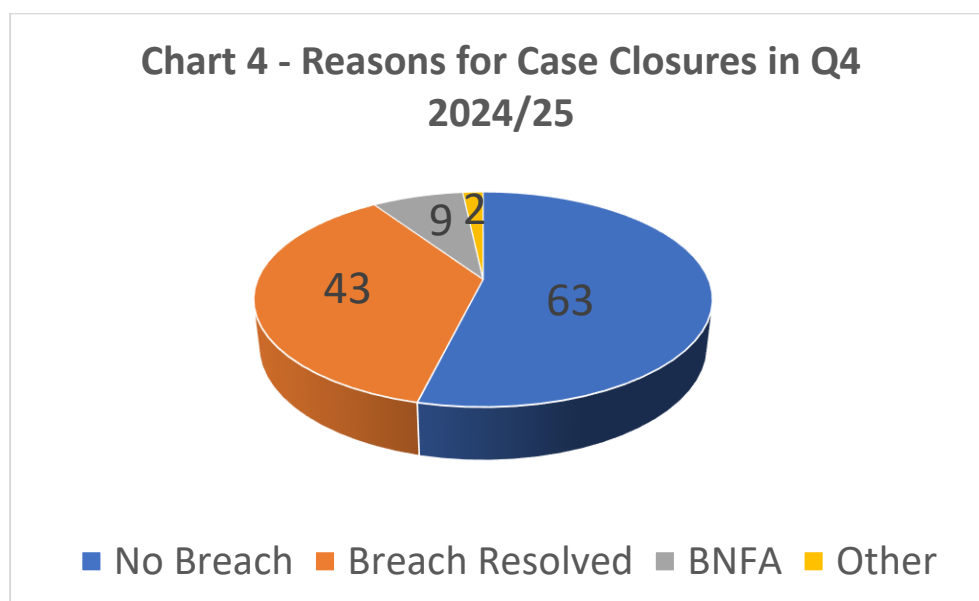
- 2.2** **Chart 2** provides a comparison of the quarter totals throughout 2024/25 to provide some context to the consistent performance of the enforcement team within this financial year, especially in Q3 and Q4 with case closures ahead of the number of new cases being received. Since Q2, the Enforcement team was bolstered with additional resourcing in the form of Technical Support Officer, who has been able to focus on and review older cases as part of their role as an ongoing project.



- 2.3** **Chart 3** Shows the total number of cases that have been opened (and closed) by the Enforcement team throughout the 2024/25 year. Again, this illustrates the successful performance across the enforcement team in closing 40 more cases than were newly opened throughout the year.



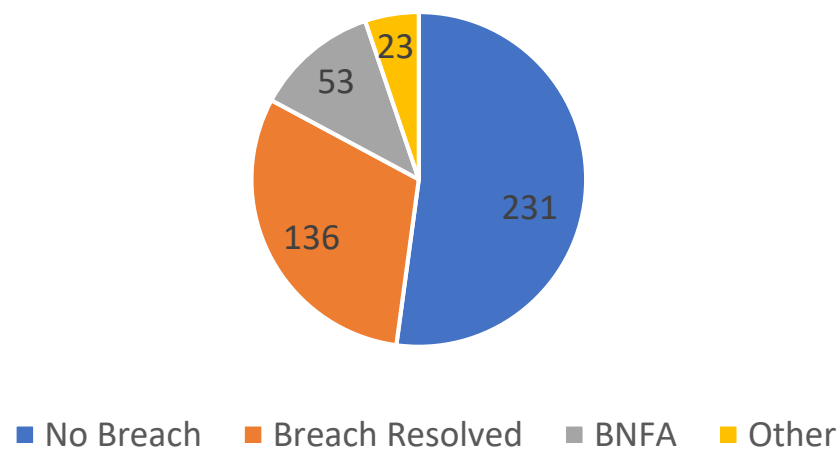
- 2.4** **Chart 4** sets out the reasons why cases have been resolved in Q4. The chart shows that, as is generally the case, approximately half of the cases were closed as 'No Breach'. As commented on in the Q3 report, we believe it is important to investigate all complaints (whether we believe a breach has occurred or not) in order to make sure there is a record of the investigation that could be used in the event of a future complaint regarding the same matter; but also to reassure the public that we take their concerns seriously and will thoroughly investigate their complaints.



2.5 It is interesting to note that, looking back at the data since January 2022, No Breach has accounted for 49% of cases. So, whilst there can be some variation in the number of cases % that are closed as no breach each quarter (Q1 47%; Q2 63%, Q3 47%; Q4 54%), the overall percentage rate is remarkably consistent.

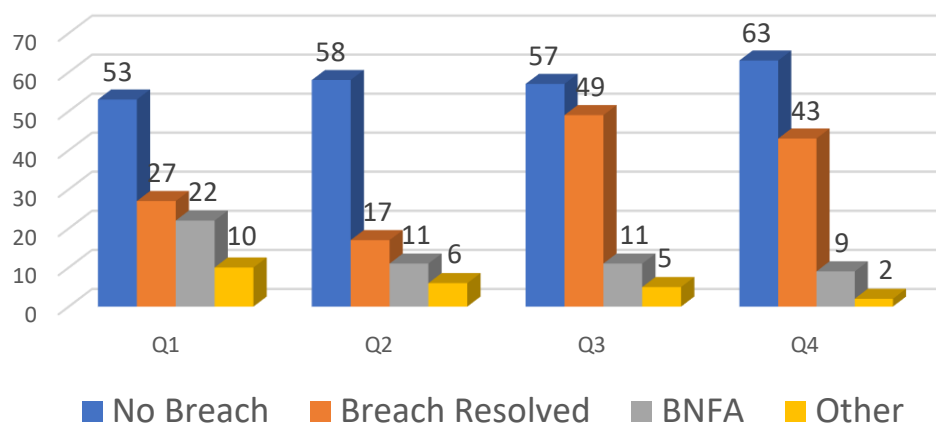
2.6 **Chart 5** provides the annual totals for the reasons for case closure across the 2024/25 year. The breakdown holds relatively consistent when compared to each individual quarter.

Chart 5 - 2024/25 - Breakdown of reasons for case closures - Year Total

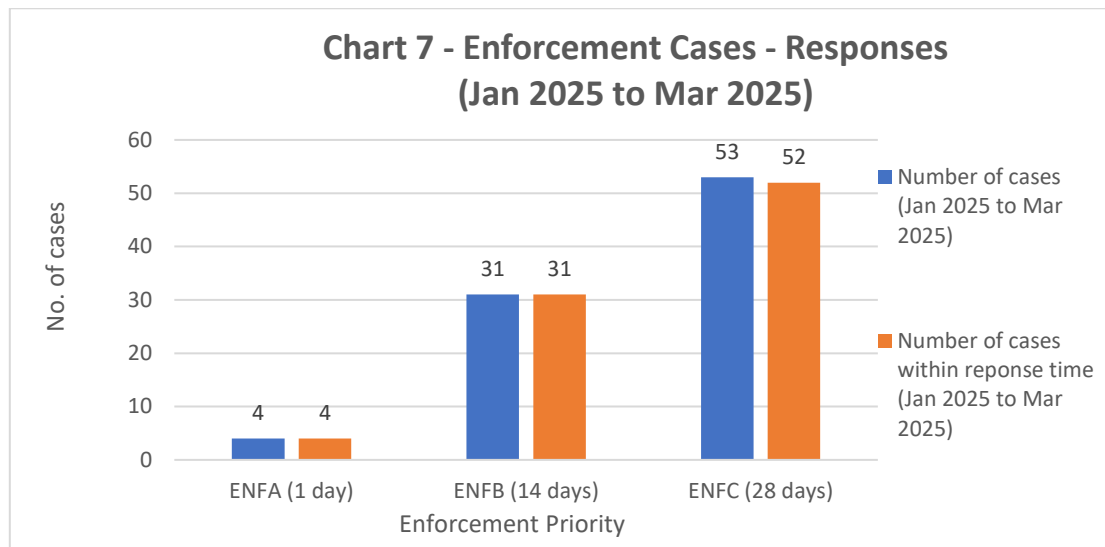


2.7 **Chart 6** provides a quarterly view across the 2024/25 year of the number of cases closed and broken down by their reasons for closure.

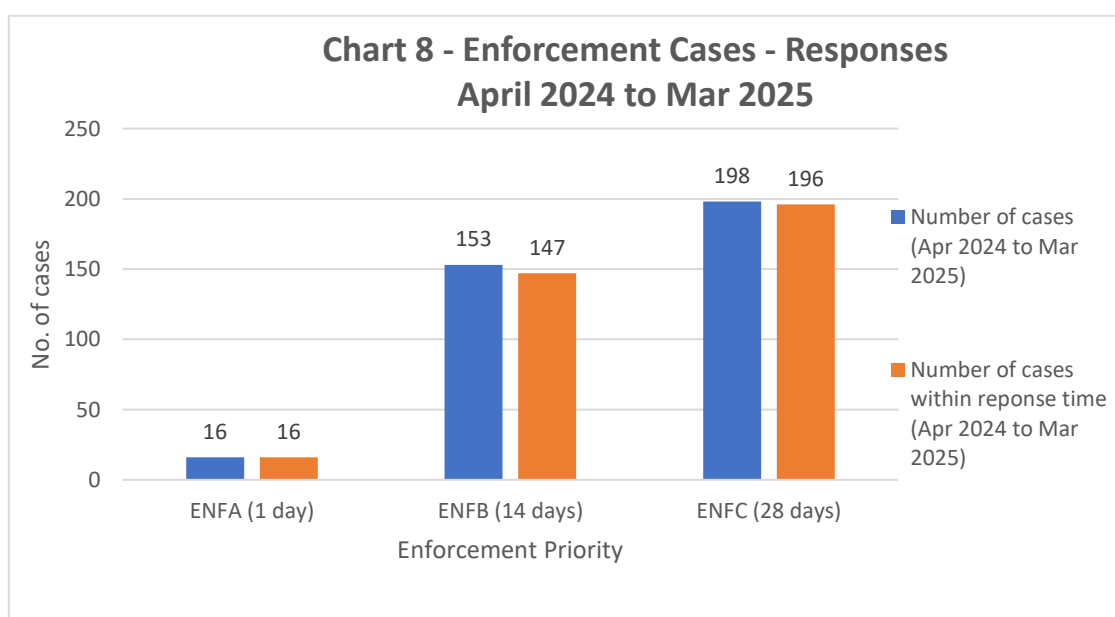
Chart 6 - 2024/2025 - Number of cases closed by quarter - shown by closure reason



- 2.8** **Chart 7** 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 there was a near perfect performance, unfortunately with a single ENFC case being outside of the response time.



- 2.9** **Chart 8** provides the annual total figures for 2024/25, for the response times of officers in relation to the targets set out in the NSDC Planning Enforcement Plan (PEP). Over the last 12-months, ENFA cases response times are 100%; ENFB response times were over 96% with ENFC cases were approximately 99%. Overall, a solid performance from across the enforcement team but, as always, with room for improvement as we move into 2025/26.



2.10 Table 1 sets out the number of Notices issued and appeal activity during Q4 of 2024/2025.

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q4 of 2024/25			
	JANUARY	FEBRUARY	MARCH
Notices Issued	4	3	2
Notices Complied With	1	4	5
Appeals Lodged	0	0	0
Appeals Determined	0	4	0

2.11 Table 2 is a continuation of table 1, with the annual totals of planning enforcement action (enforcement notices) and appeals across the 2024/25 year

Table 2 – Details of Enforcement Action (Enforcement Notices) and appeals (by month) during 2024/25													
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
Notices Issued	2	2	6	1	1	3	1	2	2	4	3	2	29
Notices Complied With	1	2	0	1	1	1	3	0	3	1	4	5	22
Appeals Lodged	1	0	1	1	0	0	1	1	0	0	0	0	5
Appeals Determined	0	1	0	1	3	6	0	0	2	0	4	0	17

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER 4

3.1 EXAMPLE 1

Enforcement Ref: 24/00210/ENFB
Site Address: The White Swan Public House, Newark
Alleged Breach: Unmaintained state of The White Swan
Action To Date: Section 215 Notice Issued Jan 2025

Background:

- 3.1.1 This prominent ex-public house in Newark has seen its appearance deteriorate since closing. Enforcement activity began following a complaint received in June 2024 and this work was assisted by the NSDC Env Health team.
- 3.1.2 This matter is a good example of the difficulty in making initial contact with owners, with numerous attempts made by the case officer to open a dialogue to amicably resolve the issue. As contact was unable to be made with the owners, this resulted in a decision in January 2025 to issue a Section 215 notice.
- 3.1.3 Following receipt of the S215 notice, we were contacted by the agent acting on behalf of the owners advising that they were preparing an application to change the use of the building to a mixed use of retail at the ground floor with apartments above.
- 3.1.4 Some minor works to 'tidy' the property was carried out in April 2025 with a request from the case officer to extend this work to also clear the vegetation from the roof, guttering and car park.
- 3.1.5 The case is ongoing whilst efforts are made to expediate an application from the owners/agent so this potential change of use can be assessed.

Photo's taken from July 2024





3.2 EXAMPLE 2

Enforcement Ref: 24/00215/ENFB
Site Address: Land North of River Maun, Ollerton
Alleged Breach: Alleged unauthorised flood bund
Action To Date: Enforcement Notice Issued Feb 2025

Background:

- 3.2.1 A complaint was received in June 2024 that an unauthorised flood bund had been erected next to the River Maun in Ollerton. The bund appeared to have been added to protect paddocks and divert water. It was noted that this bund risked deflecting flood flow onto the residential properties located opposite.
- 3.2.2 Following a site visit in July 2024 by enforcement and Environment Agency, it was agreed the bund would be demolished by the end of Nov 2024. As it was not done by this time, a Section 330 notice was issued to ascertain further details, this was complied with.
- 3.2.3 As the works had still not been completed by Feb 2025 and given the potential impact of the development on the flood zone (zone 3), it was concluded that it would be expedient to issue a planning enforcement notice to require the removal of the bund. The EN was issued on 3rd March and required the removal of the bund within 60 days of the notice coming into effect.
- 3.2.4 A recent site visit confirmed the works had been completed to remove the bund.

Before – Showing bund



After – Showing compliance



3.3 EXAMPLE 3

Enforcement Ref: 24/00111/ENFA
Site Address: Vine Cottage, Hoveringham
Alleged Breach: Alleged demolition of wall in Conservation Area
Action To Date: Enforcement Notice issued February 2025

Background:

- 3.3.1 A complaint was received 04.04.2024 that a wall within the Hoveringham Conservation Area had been demolished without consent. A site visit corroborated the details, and the owner was cautioned as it was suspected that an offence under S196D of the TCPA 1990 had occurred.
- 3.3.2 Following the site visit the owner was invited to remedy the breach by means of application. 24/01049/FUL was submitted and approved following consideration. However, the owner erected the replacement walls prior to discharging relevant conditions and the details were later found unacceptable within 24/01678/DISCON.
- 3.3.3 In consequence and in acknowledgement to a further wall which had been erected on site falling outside of the scope of permitted development, which was also identified as unacceptable, a Planning Enforcement Notice was issued 10.02.2025. Following service, the Notice was withdrawn, and a new Notice served 07.03.2025 to amend the details as the owner had further intensified the development.
- 3.3.4 No appeal has been made against the Notice and the requirements of the Notice will be required to be completed.

Initial site photo – April 2024



Follow up visit following works – December 2024



Wall to rear



3.4 EXAMPLE 4

Enforcement Ref:	22/00405/ENFB
Site Address:	The 'Troc' Care Home, Coddington
Alleged Breach:	Alleged building works not in accordance with approved plans and in breach of conditions 18/01999/FULM
Action To Date:	Temporary Stop Notice and Breach of Condition Notice (Jan 2023); Breach of Condition Notice (March 2025)

Background:

- 3.4.1 A complaint was received 14.11.2022 outlining that building works were not in accordance with approved plans and in breach of conditions attached to 18/01999/FULM. Site visits confirmed the allegation and officers sought to negotiate the details with the developer. The development had not accorded to the plans with major deviations on elevations, landscaping and other details.
- 3.4.2 However, building works continued and a Temporary Stop Notice was issued 13.01.2023 in addition to a Breach of Condition Notice on the same day. Negotiations with the owner generated 23/00179/FUL which sought to remedy some deviations on site. The application was refused, and officers worked with the owner and their agent to submit 23/02170/S73M.
- 3.4.3 Despite proactively seeking to remedy the breach of planning control with the owner, no works have been undertaken to modify the unauthorised development to accord to the acceptable scheme.
- 3.4.4 In consequence, a Breach of Condition Notice was served 05.03.2025 and the owner has until 02.12.2025 to comply with the agreed plans which will see major alterations to the principal elevation and roof to improve the character and appearance of the building.

Principle Elevation



Development at rear/side



Lack of planting at front





Image showing inclusion of planting



3.5 **EXAMPLE 5**

Enforcement Ref: 23/00417/ENFB
Site Address: Muts Go Nuts, Epperstone
Alleged Breach: Alleged use of paddock as a commercial dog exercise area
Action To Date: PCN (Jan 2025) and Enforcement Notice (March 2025)


Background:

- 3.5.1 In September and October 2023, complaints were received regarding alleged commercial activity in the form of a 'dog park' on a paddock at this property in Epperstone. Following the initial conversation with the owners, an application was invited for the 'material change of use', which was received in December 2023 and requested the change of use of agricultural field to dog exercise area, construction of hardstanding, fence and gates.
- 3.5.2 Whilst the application was being assessed, the owners were allowed to continue the use. The application was refused at committee in November 2024 and shortly afterwards the owners were contacted to advise that the land should cease the


use as dog exercise area and be returned to its lawful use within 31 days. Furthermore, the land was also required to be returned to its condition prior to the development taking place.

3.5.3 We were notified that compliance was not forthcoming. An EN was issued in March 2025 with it set to come into effect on 30th April 2025. Subsequently, the owner has now submitted an appeal (10th April 2025) so this matter can be assessed by the planning inspectorate.





MUTTS GO NUTS
★★★★★ 24



Contacts

muttsgonuts.simplybook.it

Mutts Go Nuts, Nottingham, Highfields, Epperstone

Book now

Opening hours

Sunday	8:00 AM - 6:00 PM
Monday	8:00 AM - 6:00 PM
Tuesday	8:00 AM - 6:00 PM
Wednesday	8:00 AM - 6:00 PM
Thursday	8:00 AM - 6:00 PM
Friday	8:00 AM - 6:00 PM
Saturday	8:00 AM - 6:00 PM

Nottingham's private, safe, enclosed dog walking field

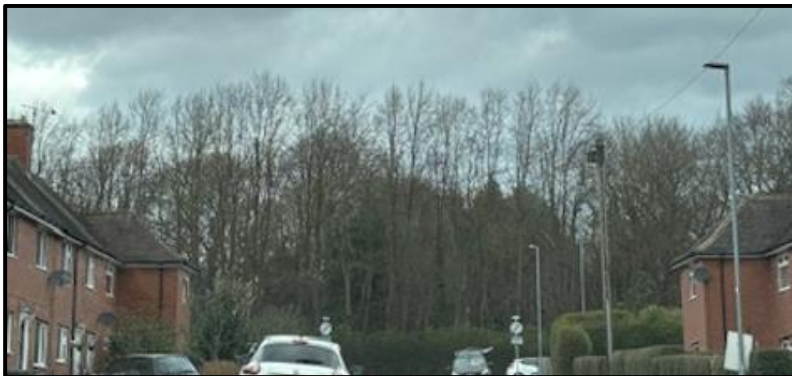
4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER 4

4.1 EXAMPLE 1

Enforcement Ref: 25/00055/ENFC
Site Address: Woodland near Birklands, Edwinstowe
Alleged Breach: Alleged works to trees
Action To Date: Case investigated with area TPO proactively enacted

Background:

- 4.1.1 This case relates to an area of woodland in the centre of Edwinstowe. A concern was raised to the enforcement team via a Councillor, that works to the trees were to be carried out. The trees/woodland in question was not subject to a 'Tree Protection Order' (TPO) and was not located within a conservation area.
- 4.1.2 Whilst on site, the case officer (Michael Read) met with the owner and outlined that a TPO could be placed on the land. Happily, the owner was in full support.
- 4.1.3 The outcome of this initial concern and subsequent visit was that no breach was identified in this case, but it did result in a new 'area TPO' to be set up on the land at Birklands (TPO N448 2025).



4.2 EXAMPLE 2

Enforcement Ref: 23/00309/ENFC
Site Address: Dove Croft, Ollerton
Alleged Breach: Alleged Fence
Action To Date: Case investigated

Background:

- 4.2.1 This case forms part of a wider series of complaints raised following the LPA's decision to take action against a fence elsewhere in the district.
- 4.2.2 Initially, a single fence panel was installed but this then became a 1.8m fence across the frontage adjacent to a highway used by vehicular traffic - failing to accord to Class A of Schedule 2 Part 2 of the GDPO 2015.
- 4.2.3 Following letters being sent to the owners the owner set out their reasoning as to why the fence had been installed at this height.
- 4.2.4 We sought to negotiate, and the owner has now removed the excess fencing and is looking to plant conifers to screen the site. A final site inspection was undertaken in March 2025, which confirmed the removal of the fencing.

Initial site photo



After compliance



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER 4

5.1 EXAMPLE 1

Enforcement Ref: 23/00073/ENFB
Site Address: St Marys Drive, Edwinstowe
Alleged Breach: Alleged erection of single storey rear extension using non-similar materials
Action To Date: Enforcement Notice, issued Sept 2023, complied with Jan 2025.

Background:

- 5.1.1 In February 2023 a complaint was received regarding building works that were being carried out at this property with the use of non-matching materials. Following discussions, it became clear that the owners believed the works benefitted from permitted development; unfortunately, this was not the case.
- 5.1.2 The owner accepted that they had an unauthorised development, they sought to obtain consent retrospectively for the existing works and to continue the works through 23/00668/HOUSE - *Erect single storey rear extension (part retrospective)*.
- 5.1.3 This application was refused at committee in August 2023 and an Enforcement Notice was subsequently served in September 2023 requiring demolition.
- 5.1.4 The owners appealed the decision, but at the appeal hearing the inspector upheld the enforcement notice finding harm to the amenity of the neighbouring property.
- 5.1.5 In January 2025, it was confirmed that the development had been demolished in compliance with the enforcement notice allowing the case to be closed.

Initial site photo



Image showing demolished extension



5.2 EXAMPLE 2

Enforcement Ref: 22/00368/ENFB
Site Address: North Crescent, Clipstone
Alleged Breach: Alleged principle and rear extensions in excess of Permitted Development
Action To Date: Enforcement notice issued June 2024, compliance in Jan 2025

Background:

- 5.2.1 Following works to the front and rear of this property, the local Parish Council contacted the enforcement team to query whether these benefitted from any permission, including permitted development.
- 5.2.2 An initial inspection identified (1) a large porch had been erected with an extending principal roof canopy, which did not benefit from permitted development; and (2) a partially built rear extension as well as a large partially built outbuilding. This extension was found to be in breach of conditions attached to 15/00353/FUL - Householder Application for Ground Floor Extension to the Rear, which allowed a 4m depth. No breach was identified with the outbuilding.
- 5.2.3 An enforcement notice was issued in June 2024 requiring demolition of the porch and canopy structure. At this time, the property was sold with an agent being appointed by the new owners. A prescribed scheme, which would see the porch retained by means of application, was agreed with the canopy required to be removed and alterations to the roof of the porch would be needed.
- 5.2.4 The retrospective application for the rear extension was approved in October 2024. An inspection in January 2025 found that the front porch canopy had been removed whilst the porch had been amended in accordance with the approved planning permission.

Initial site photo



After compliance



5.3 EXAMPLE 3

Enforcement Ref: 22/00393/ENFB
Site Address: Fernhill, Hoveringham Road, Caythorpe
Alleged Breach: Alleged installation of lighting and construction of carport, outbuildings and decking.
Action To Date: Five Enforcement Notices issued
Background:

- 5.3.1 A complaint was received 03.11.2022 regarding installation of lighting and construction of carport and outbuildings.
- 5.3.2 A site inspection found that without planning permission the owner had erected a large platform containing a swimming pool, multiple outbuildings and CCTV. The owner was asked to cease all works and set out that they would apply for planning permission retrospectively.
- 5.3.3 Six separate planning applications were received. All were refused due to harm to the Green Belt amongst other reasons. In consequence, five Planning Enforcement Notices were issued 06.11.2023. The Notices were appealed.
- 5.3.4 Three Notices were quashed by the Inspector – notably MCoU, CCTV, outbuilding to rear. However, two Notices were upheld capturing all outbuildings forward of the principle elevation and the large platform and swimming pool.
- 5.3.5 Following the Appeal Decisions the owner has complied with the Notices in full and the requirements of the Notices have been confirmed to have been met within 25/00072/ENCOMP; an application designed to confirm compliance with Planning Enforcement Notices.
- 5.3.6 The case is considered resolved and no further action is proposed.

Before Photos





After Photos



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.