

**PLANNING COMMITTEE**  
**8 SEPTEMBER 2020**

**QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT**

This report relates to the first quarter from 1 January 2020 to 31 March 2020, as well as the second quarter 1 April to 30 June 2020. The report provides an update on cases where formal action has been taken and also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report presents a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlines the enforcement activity during the quarter which captures the overall split to show of the cases investigated, how many are found to be a breach of planning or otherwise.
- Schedule B details a summary of formal action taken since the last report was compiled which in this case is for the quarter(s).
- Schedule C – provides examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Schedule D – Notices complied with.

**SCHEDULE A**

**Table 1**

<b>SCHEDULE A: ENFORCEMENT CASES</b>	<b>1 to 31 January 2020</b>	<b>1 to 29 February 2020</b>	<b>1 to 31 March 2020</b>	<b>Totals</b>
<b>Cases Received</b>	34	42	27	103
<b>Case Closed*</b>	36	38	24	98
<b>Notices Issued</b>	2	2	2	4
<b>Notices Complied With</b>	0	3	6	9
<b>Appeal Lodged**</b>	3	0	1	4
<b>Prosecutions/Injunctions***</b>	0	0	0	0

<b>SCHEDULE A: ENFORCEMENT CASES</b>	<b>1 to 30 April 2020</b>	<b>1 to 31 May 2020</b>	<b>1 to 30 June 2020</b>	<b>Totals</b>
<b>Cases Received</b>	15	44	66	125
<b>Case Closed*</b>	19	18	39	76
<b>Notice Issued</b>	0	2	0	2
<b>Notice Complied With</b>	2	1	1	4
<b>Appeal Lodged**</b>	0	0	1	
<b>Prosecutions/Injunctions***</b>	0	0	0	0

\*\* Appeals lodged during Quarter 1 and Quarter 2, 2020 are:

- 18/00051/ENF x2 – Land to the rear of Hardy’s Business Park, Hawton Lane, Farndon. Unauthorised expansion of open-air storage site and associated operational development.
- 19/00277/ENF – The Old Smithy, 134 Low Street, Collingham. Unauthorised erection of a verandah on the rear elevation.

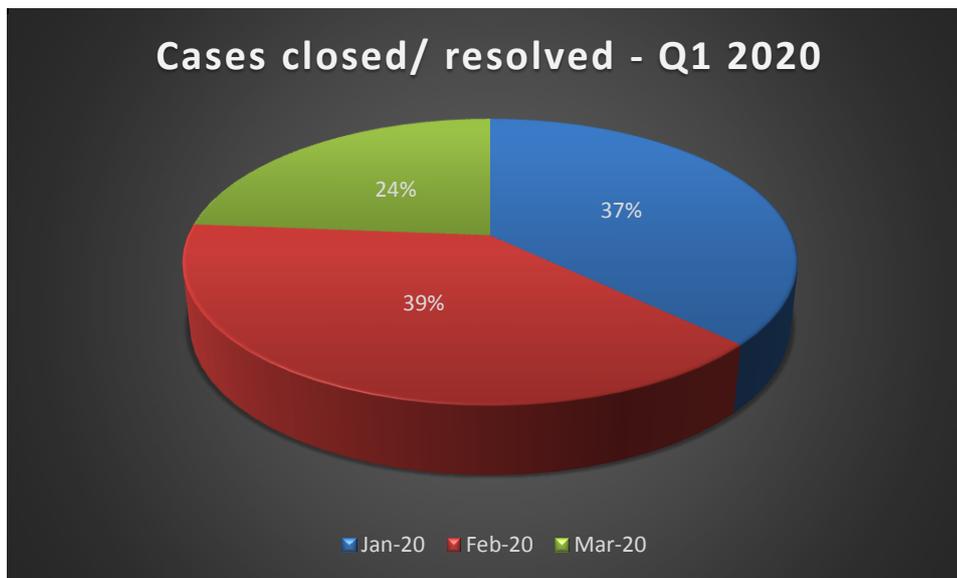
- 20/00019/ENFNOT – 32 King Street, Southwell. Material change of use to a hairdressers, to a mixed-used hairdressers and drinking establishment.

\*It should be noted that ‘case closed’ can include a number of outcomes, which are generally breach resolved (through planning application or removal), no breach identified (not development or permitted development), or that a breach exists but it is not expedient to pursue. Please note that ‘Notice’ for the purposes of these statistics does not include Planning Contravention Notices issued.

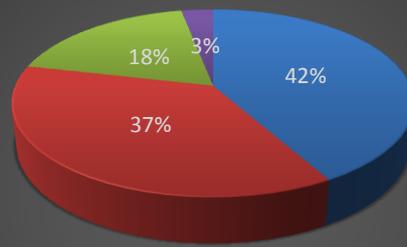
Of the cases closed, the reasons for these closures are detailed below in Table 2:

**Table 2**

Month/Year	Total Number of Cases Closed	No Breach (No Further Action required)	Breach Resolved (through negotiation, permission granted etc)	Breach – No Further Action (as not expedient)	Other (such as Duplicate Case)
January 2020	36	17	13	5	1
February 2020	38	15	15	8	0
March 2020	23	8	8	5	2
Totals	98	41	36	18	3
<b>Average</b>	<b>32</b>	<b>13</b>	<b>12</b>	<b>6</b>	<b>1</b>



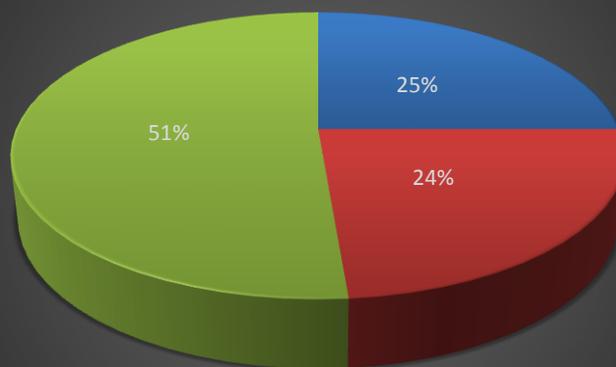
## Reasons cases closed - Q1 2020



- ▣ No Breach (No Further Action required)
- ▣ Breach Resolved (through negotiation, permission granted etc)
- ▣ Breach – No Further Action (as not expedient)
- ▣ Other (such as Duplicate Case)

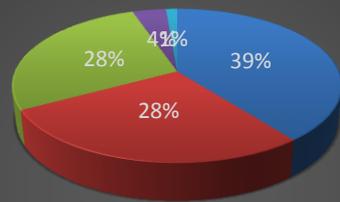
Month/Year	Total Number of Cases Closed	No Breach (No Further Action required)	Breach Resolved (through negotiation, permission granted etc)	Breach – No Further Action (as not expedient)	Other (such as Duplicate Case)	Notice Issued (Awaiting Compliance)
April 2020	19	3	10	6	0	0
May 2020	18	6	3	7	1	1
June 2020	39	21	8	8	2	0
Totals	76	30	21	21	3	1
Average	25	13	10	7	1	0

## Cases closed/ resolved - Q2 2020



- ▣ Apr-20
- ▣ May-20
- ▣ Jun-20

## Reasons cases closed - Q2 2020



- No Breach (No Further Action required)
- Breach Resolved (through negotiation, permission granted etc)
- Breach – No Further Action (as not expedient)
- Other (such as Duplicate Case)
- Other Notice Issued (Awaiting Compliance)

### **SCHEDULE B. FORMAL ACTION TAKEN (1 January to 31 March 2020, 1 April to 30 June 2020)**

Schedule B provides a more detailed position statement on formal action (such as enforcement notices served) since the previous performance report was brought before Members. This table does not detail Planning Contravention Notices served.

**Enforcement Ref:** 20/00016/ENF

**Site Address:** 7 Moor Lane, East Stoke, Newark on Trent, NG23 5QD

**Alleged Breach:** Failure to comply with condition 03 of planning permission 19/01125/FUL

**Date received:** 16 January 2020

**ACTION TO DATE:** Breach of Condition Notice served in January 2020

#### Background

Planning permission reference 19/01125/FUL granted retrospective planning permission for the erection of a bungalow (erected in breach of the initial approval, reference 18/00625/FUL). Condition 03 required the submission of an archaeological survey scheme within three months from the date permission was granted. This lapsed in November 2019.

Opportunity was given to the landowners to undertake and submit the relevant Discharge of Condition application, but no such application was received. In order to secure archaeological surveys on land within the Battle of Stoke Field catchment area, a BCN was issued to ensure compliance. The necessary documents have been submitted and approved, and are awaiting implementation.

**Enforcement Ref:** 19/00382/ENF

**Site Address:** Three Pines, Boat Lane, Hoveringham, Nottinghamshire, NG14 7JP

**Alleged Breach:** Erection of a means of enclosure requiring planning permission

**Date received:** October 2019

**ACTION TO DATE:** Enforcement Notice issued February 2020

Background

Officers were notified that fencing and gates exceeding 1 metre in height had been erected adjacent to the road at Three Pines, Hoveringham, without planning permission having been granted. A retrospective application for planning permission was submitted but ultimately refused on account of the uncharacteristic appearance of the fence within the Hoveringham Conservation Area and the Green Belt.

The Notice was subsequently served and requires the reduction in height of the fencing and gates to no more than 1 metre, in accordance with permitted development allowances.



**Enforcement Ref:** 20/00118/ENF

**Site Address:** Land adjacent to Old Norse House, Station Road, Bleasby

**Alleged Breach:** The material change of use of agricultural land to residential

**Date received:** May 2020

**ACTION TO DATE:** Enforcement Notice issued May 2020

Background

An application for the change of use of agricultural land to residential, in addition to the erection of a garage unit was submitted to the Local Planning Authority in January 2020 (reference 20/00041/FUL). It became clear to the case officer that the change of use had already occurred, with hard surfacing laid for the parking of domestic vehicles.

The Enforcement Notice was issued once the application had been refused, requiring the hard surfacing to be removed, land reseeded, and residential use to cease. An appeal is in progress against the refusal of application reference 20/00041/FUL.

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

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

**Enforcement Ref:** 19/00058/ENF

**Site Address:** 60 High Street, Collingham, Newark on Trent, NG23 7LB

**Alleged Breach:** The erection of a ventilation flue on the side & rear elevation of the premises

**Date received:** February 2019

### Background

In February 2019, the LPA received notification that a large and unsightly ventilation flue had been erected on the side and rear elevation of 60 High Street, a prominent building within the Collingham Conservation Area. No permission had been sought for the installation.

A retrospective application for planning permission was submitted (reference 19/00618/FUL) but did not receive a positive response from Officers. The applicant revised the scheme in order to install a different flue, to be screened through brick-cladding to provide a makeshift chimney effect. The revised scheme was approved and the scheme implemented in a timely manner.



**Unauthorised Flue – now removed**

**Enforcement Ref:** 19/00436/ENF

**Site Address:** 34 Victoria Street, Newark on Trent, NG24 4UT

**Alleged Breach:** Alterations to a boundary wall and the erection of timber fencing

**Date received:** November 2019

Background

Officers received notification that alterations to the side-boundary wall of the property – which is located within the Newark Conservation Area – in order to erect uncharacteristic timber fencing atop the remaining wall. This was considered to be unacceptable and that the fencing had to be removed.

Officers met with the owner of the property and provided a number of options. The owner opted to rebuild the wall and remove the fencing, which was promptly undertaken. The wall has been rebuilt in an acceptable manner and the breach thereby resolved.



**Before**



**After**

**Enforcement Ref:** 19/00410/ENF

**Site Address:** 16 Vernon Avenue, Newark, NG24 1PG

**Alleged Breach:** Erection of an outbuilding forward of the principal elevation of the dwelling

**Date received:** October 2019

Background

The Local Planning Authority received concerns relating to the erection of a large and imposing storage unit which had been erected on the driveway of 16 Vernon Avenue. As the structure was located forward of the principal elevation of the house, planning permission was required.

Due to the needs of the occupants, Officers undertook discussions in order to reduce the size of the storage unit so as to lessen its visual impact on the street scene and neighbouring properties whilst meeting the needs of the residents.

Amendments were promptly undertaken to an agreed specification, resolving the impact on local amenity. The structure technically still requires planning permission, but is considered to be acceptable on its planning merits.



**Before**



**After**

#### **SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER(S)**

**Enforcement Ref:** 19/00182/ENF, 19/00190/ENF, 19/00191/ENF

**Site Address:** 15, 17 and 19 Syerston Way, Newark, NG24 2SU

**Alleged Breach:** Infilling of drainage ditch to provide additional residential space

**Date received:** May 2019

**ACTION TO DATE:** Complied with Enforcement Notice issued. Breach resolved.

#### **Background**

In May 2019, Officers received an allegation that an overgrown strip of land, including a drainage ditch, had been purchased, cleared and infilled to provide for an extended residential curtilage. All three properties submitted retrospective planning applications, which were refused by Officers.

An Enforcement Notice was served on each landowner, requiring the reversal of the works and the reinstatement of the drainage channel. A site visit found the Notice had been complied with within the required timescale.



**Before**



**After**

**Enforcement Ref:** 17/00017/ENF

**Site Address:** Epperstone Manor, Main Street, Epperstone

**Alleged Breach:** Untidy Land remaining following completion of housing development

**Date received:** May 2018

**ACTION TO DATE:** Two Section 215 Notices (utidy land) issued and complied with

## Background

The redevelopment of Epperstone Manor has been a long-term project spanning a period of years, and was completed around 2017/18. An open field to the south of the housing scheme was used as the building yard, but had been left in an untidy and abandoned condition following completion of the scheme. This included the siting of machinery, stacked storage containers and site offices, debris, skips and the land left to become overgrown.

Two Section 215 Notices were issued in summer 2018, and has been a gradual process of the landowner removing and reusing the materials left on the land. As of October 2019, the two S215 Notices were considered to have been complied with, and the condition of the land drastically improved. A final site visit in June 2020 found that some further items had been removed from the land, leading to the final closure of the case.



**Before**



**After**

### **RECOMMENDATION**

**That Planning Committee considers the contents of the report and identifies any issues it wishes to examine further.**

Background Papers

Enforcement Case Files

For further information please contact Richard Marshall on extension 5801, Chris Briggs on extension 5391, or [planning@nsdc.info](mailto:planning@nsdc.info)

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