

PLANNING COMMITTEE – 3rd November 2020

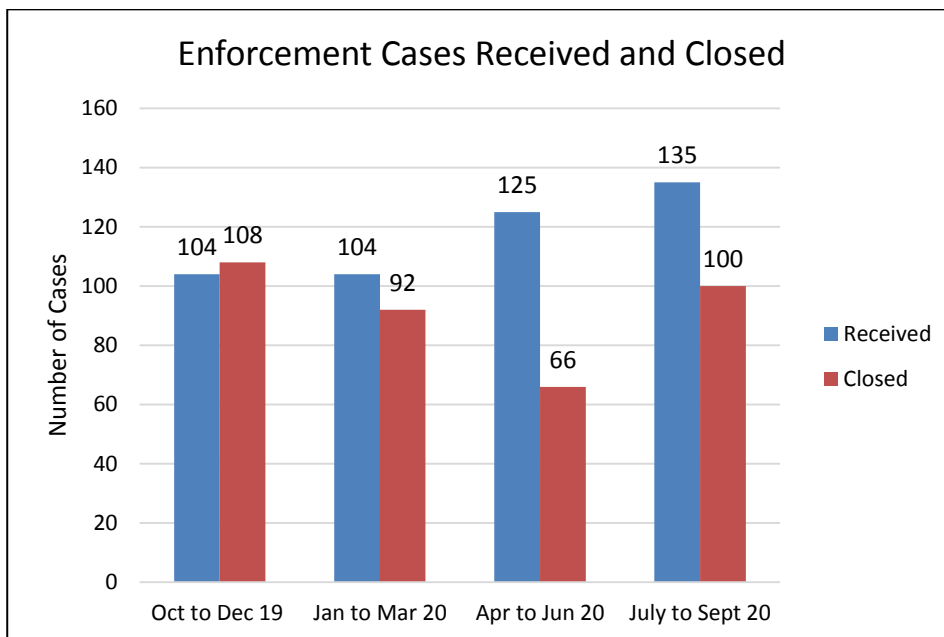
QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

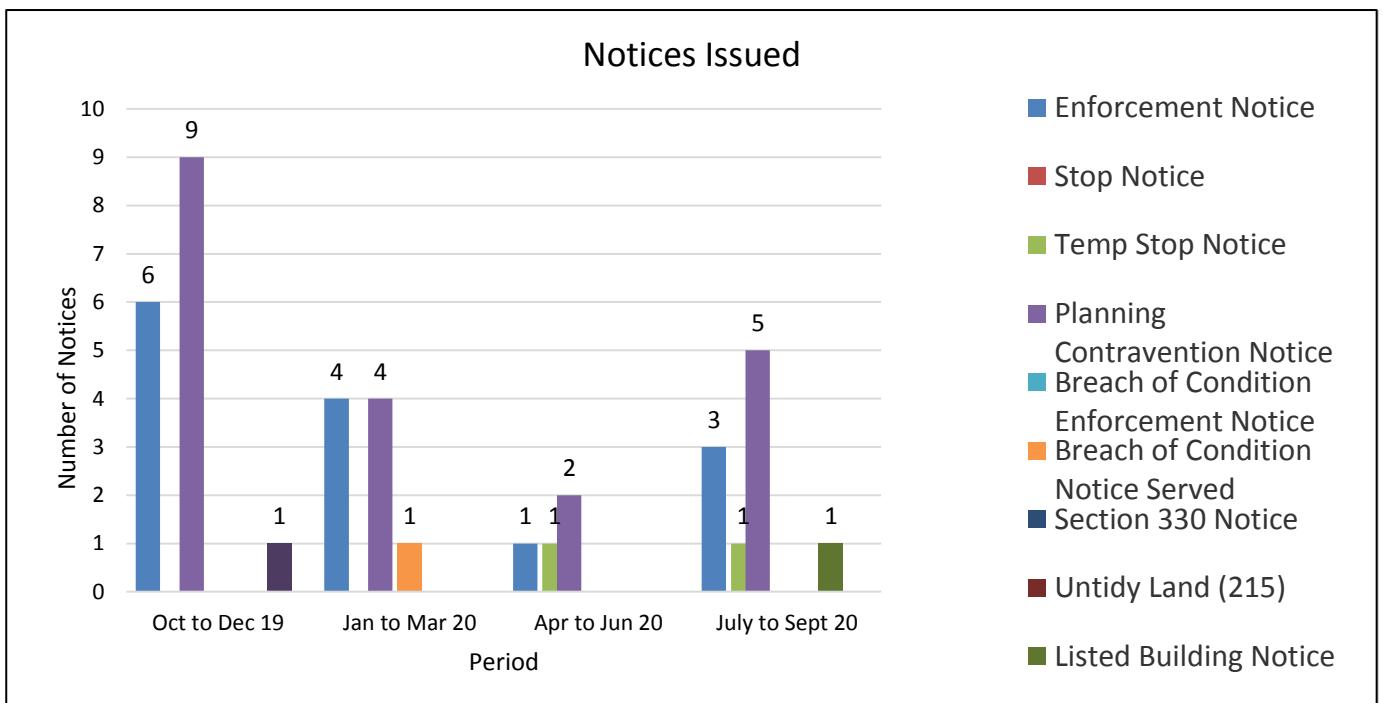
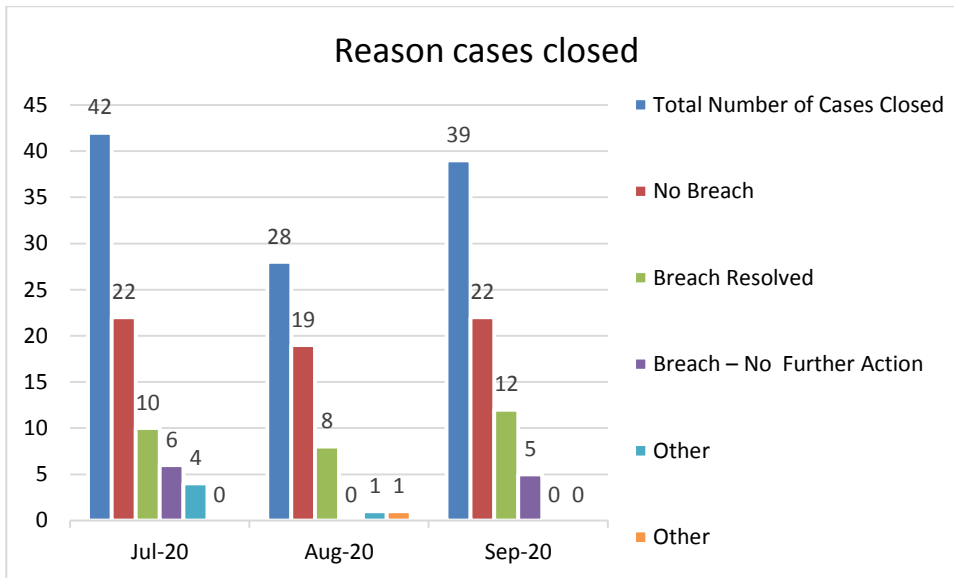
This report follows on from the report that was presented to Members on 8th September 2020 which highlighted planning enforcement performance during the first quarter of 2020. This report relates to the second quarter from 1st July 2020 to the 30th September 2020 and provides an update on cases where formal action has been taken. It 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 and shows an overview of the enforcement activity compared to previous quarters.

Broadly speaking Members will note that the figures provided show a continued increase in enforcement activity within the District. Not only has the number of enforcement cases opened increased in comparison to previous quarters, but also the number of cases being closed increasing as well as the overall number of notices being served by officers.

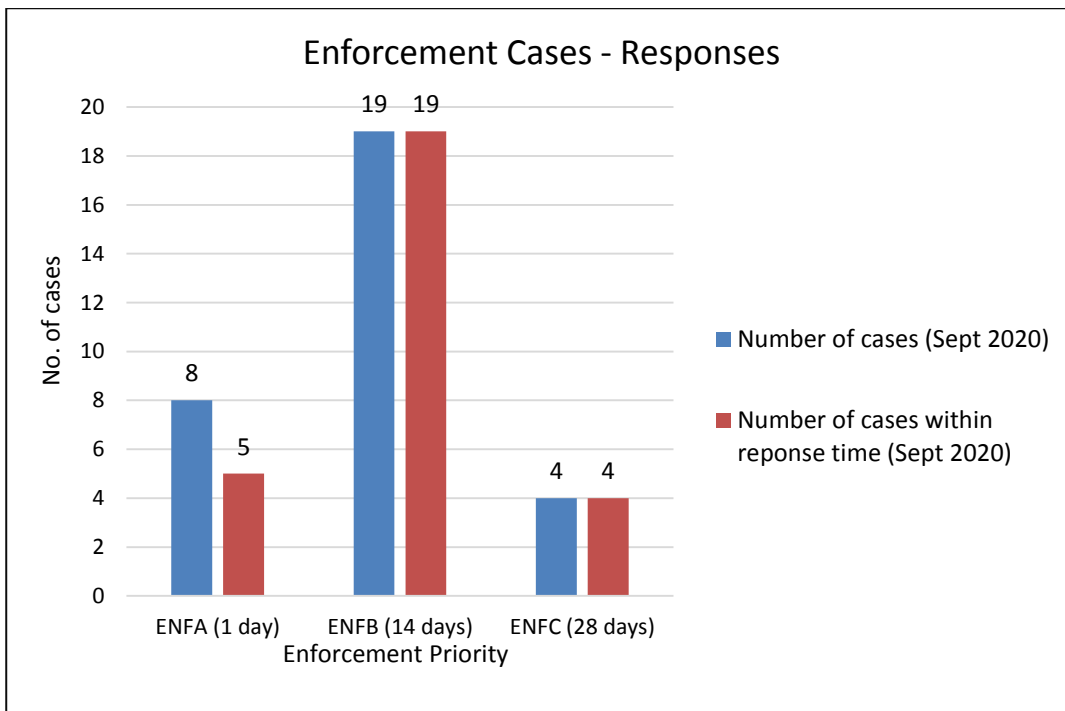
The figures continue to show that the main reason for investigations being closed is due to the alleged activity not being a breach of planning control, however a positive trend continues to be the number of cases that are closed following the resolution of an alleged breach.





In addition Members will be aware that in September the Planning Enforcement Plan (PEP) was adopted. As well as setting out how the enforcement service will operate and what Members and the public can expect from the service, the PEP also put in place a system of case prioritisation which encompassed targets for initial investigations to take place (these are set out below for reference). The following figures are based on September 2020 only due to the PEP being adopted in September and in future reports will revert to a quarterly basis as above.

- A. High priority e.g. works to a Listed Building or a protected tree – 1 working day.
- B. Medium priority e.g. development that may be harmful – 14 days.
- C. Low priority cases e.g. minor breaches of planning control – 28 days.



Members will note that the enforcement team did not meet the target for initial action in 3 cases (out of 31) during September. This was due to issues with the initial setting up of the prioritisation scheme following the adoption of the PEP and the establishment of new working practices. It is anticipated that officers will meet this target when figures for quarter 3 are presented to Members.

Appeal Outcomes in Quarter 2

- 19/00037/ENF 32 King Street, Southwell, NG25 0EN (19/01780/FUL Change of use from A1 Use to Mixed Use A1 and A4)** – An enforcement investigation found that a barbershop in Southwell was operating as a bar in the evenings, which was said to be leading to noise issues to surrounding premises and residents. A retrospective application for a change of use was refused by the Council in February 2020 (19/01780/FUL) and an Enforcement Notice issued. The appeal was successful and Planning Permission was granted by the Planning Inspectorate, subject to conditions.
- 18/00034/ENF The Workshop, Cockett Lane, Farnsfield, NG22 8JQ - Storage and Transportation of Aggregate Materials** The Planning Inspectorate has dismissed the appeal and upheld the Enforcement Notice regarding an unauthorised use that has been causing considerable distress to residents of Farnsfield for some time. An agricultural parcel of land has been used for the storage and transportation of aggregate materials, with intervention Nottinghamshire County Council during a period of crushing and processing of such materials. The District Council issued an Enforcement Notice in December 2019, with the Planning Inspectorates hearing held in August 2020.

The Planning Inspectorate has upheld the Notice in full and requires the use to cease within 6 months of the decision being issued in September 2020.

In response to the outcome of the appeal the Council has received the following feedback from local residents:

“We are all overjoyed and may I take this opportunity of thanking you most sincerely for your help and guidance over the past few years. You have been a light at the end of a (sometimes) very dark tunnel!

“thank you so much for the result!!!! I suspect it isn't the end of the story but it is definitely the best chapter we've had in a long, long time! We are extremely grateful for your perseverance and continued involvement in this, especially through recent months when everything has been even more challenging than normal.”



SCHEDULE B. FORMAL ACTION TAKEN (1st July 2020 to 30th September 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: 19/00348/ENF

Site Address: Land at Main Street, Upton

Alleged Breach: The unauthorised erection of an agricultural building and concrete base

Date received: September 2019

ACTION TO DATE: Enforcement Notice issued September 2020

Background

In September 2019, the Local Planning Authority was made aware that a portal-framed building had been erected without planning permission on an agricultural parcel of land, with a stated intention of housing livestock.

A retrospective application for planning permission was first submitted to the LPA in November 2019, but was not made valid for consideration until April 2020. The application (19/01984/FUL) was refused on account of being of excessive scale without sufficient justification having been provided.

An Enforcement Notice requiring the dismantling and removal of the building and concrete base was subsequently issued in September 2020 and required to be complied with by the 14th December 2020.

An appeal against the serving of the notice has now been received and members will be updated further as to the outcome.



Enforcement Ref: 20/00018/ENF

Site Address: Glebe Steading, Gonalston

Date received January 2020

ACTION TO DATE: Enforcement Notice issued September 2020

Background

The Local Planning Authority received notification that building works were being undertaken at this property, located within the Nottinghamshire-Derbyshire Green Belt. A swimming pond and associated outbuilding were under construction when Officers first attended the site. An application for part-retrospective planning permission was submitted in January 2020, reference 20/00138/FUL.

The application initially included the outbuilding, but through negotiation with the case officer was removed from the application's proposal. The swimming pond has been granted planning permission, however the outbuilding was considered to be contrary to Green Belt planning policy. An Enforcement Notice requiring the dismantling and removal of the building was served in September 2020 with a compliance date of 29/11/20.



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: 20/00094/ENF

Site Address: White Hart Lane, Collingham

Alleged Breach: Unauthorised erection of a gate adjacent to the highway

Date received: March 2020

Background

In March, the LPA was notified that a new composite-panelled gate had been erected at the entrance to a property located within the Conservation Area and adjacent to the grounds of the grade I listed All Saints Church. Although this replaced a delapidated timber gate that was previously in place, the new gate required planning permission.

The design and materials used received an objection from Conservation Officers, who required amendments to be made if enforcement action was to be avoided. The owners of the property promptly and cooperatively replaced the composite panels with timber, and revised the design of the surrounding metalwork. Although planning permission is technically required for this gate, it is considered that the objections have been overcome and that the gate is acceptable on its planning merits. The enforcement case has been closed without the need for formal action.



Before



After

Enforcement Ref: 19/00428/ENF

Site Address: The Manor House, Bulcote

Alleged Breach: Unauthorised fencing adjacent to the highway

Date received: November 2019

Background

The LPA was notified that unauthorised timber fencing has been erected around the southern perimeter of the former cricket field of Bulcote, which is within the curtilage of the grade II listed Manor House. As a result, planning permission was required for the erection of any means of enclosure. The fencing was considered to be visually objectionable and out of keeping with the historic landscape.

Discussions and meetings were held with Officers and the landowner over a period of months, resulting in an application for new post and rail fencing with associated native hedgerow planting. This application (20/00254/FUL) was submitted in February and approved in March 2020. A period of grace was granted for the landowner to undertake the amendments cooperatively without the need for formal enforcement action. These works have now been undertaken and the new authorised fencing installed.



Before



After

Enforcement Ref: 20/00247/ENF

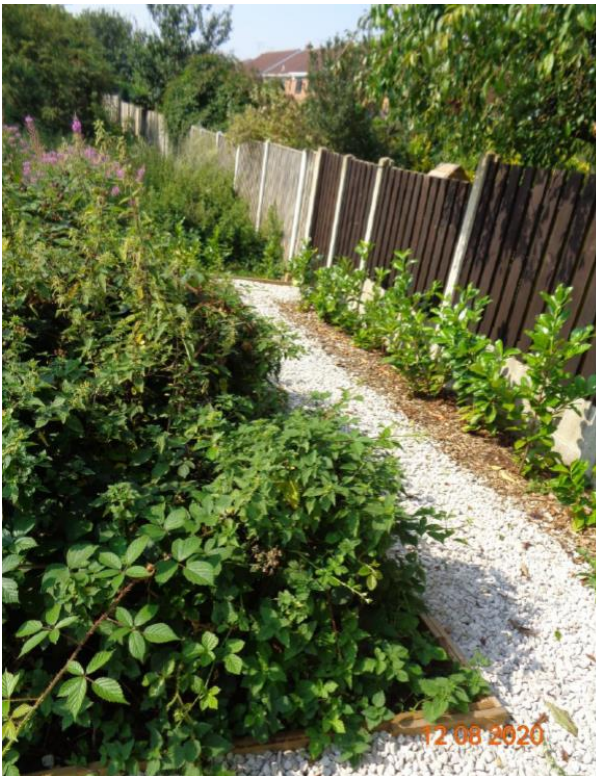
Site Address: Cycle Track, Rainworth

Alleged Breach: Extension of residential curtilage onto ecological corridor

Date received: July 2020

Background

The LPA received concerns that a number of dwellings that back onto the Rainworth disused railway cycle route, a designated Local Wildlife Site, had cleared vegetation between their rear boundaries and the cycle track, and had begun to lay pathways of a domestic nature. Cumulatively it was considered that this would set an unsustainable precedent in this protected location, a view supported by the Nottinghamshire Wildlife Trust. Letters were issued to the owners of the properties that had undertaken the works, as well as to the landowner to notify that the changes had taken place. The landowner, who was not aware of these works, acted promptly and the stone pathways were removed by the homeowners. The breach was resolved and the enquiry closed.



Before



After

Enforcement Ref: 20/00201/ENF

Site Address: 3 Worcester Close, Lowdham

Alleged Breach: Erection of a wooden structure and 2.5m fence

Date received: 19.06.2020

Background

The LPA received concerns regarding a wooden structure erected within a rear garden of a residential dwelling and that 2 fence panels had been increased in height to 2.5m. Officers expressed the view that the increased height of the fence panels resulted in an overbearing impact and also passed on the concerns raised by neighbouring residents in relation to the impact on privacy from within the wooden structure when in use. As a result officers entered into negotiations with the site owner. The fence panels were reduced to 1.8m and infill panels were added to the structure to improve privacy between the site and the neighbouring property. With these amendments in place, the wooden structure and the fence were considered to be acceptable from a planning perspective. The breach was resolved and the enquiry closed.

Before



After



SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

Enforcement Ref: 19/00194/ENF

Site Address: Willow Holt, Lowdham

Alleged Breach: Unauthorised fencing adjacent to the highway

Date received: May 2019

ACTION TO DATE: Enforcement Notice issued September 2019

Background

The LPA was made aware that close-boarded timber fencing had been erected on a corner plot property on Willow Holt, Lowdham. The fencing did not have planning permission and was considered to be visually detrimental to the area. An Enforcement Notice was issued requiring a section of the fencing to be reduced in height.

The Enforcement Notice was appealed and upheld in April 2020 by the Planning Inspectorate. The Council agreed to extend the period for compliance to 6 months during the appeal process. A site visit in September 2020 found that the Notice had been complied with, and the breach of planning control resolved.



Before



After

RECOMMENDATION

That Planning Committee considers the contents of the report and identifies any issues it wishes.