

Bolsover District Council

Planning Committee

30th June 2021

Local Enforcement Plan Update

Report of the Planning Manager / Principal Enforcement Officer

This report is public

Purpose of the Report

- To update the planning committee on the service targets set out in the Local Enforcement Plan.

1.0 Report Details

1.1 Background

1.2 The Local Enforcement Plan was adopted by the Planning Committee in 2019. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:

- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of an example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a conservation area.
- The site of a medium priority case will be visited within **two weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit.
- The site of a low priority case will be visited within **six weeks** of identifying a suspected breach of planning controls. A decision on what further action to take will be made within six weeks of that site visit.

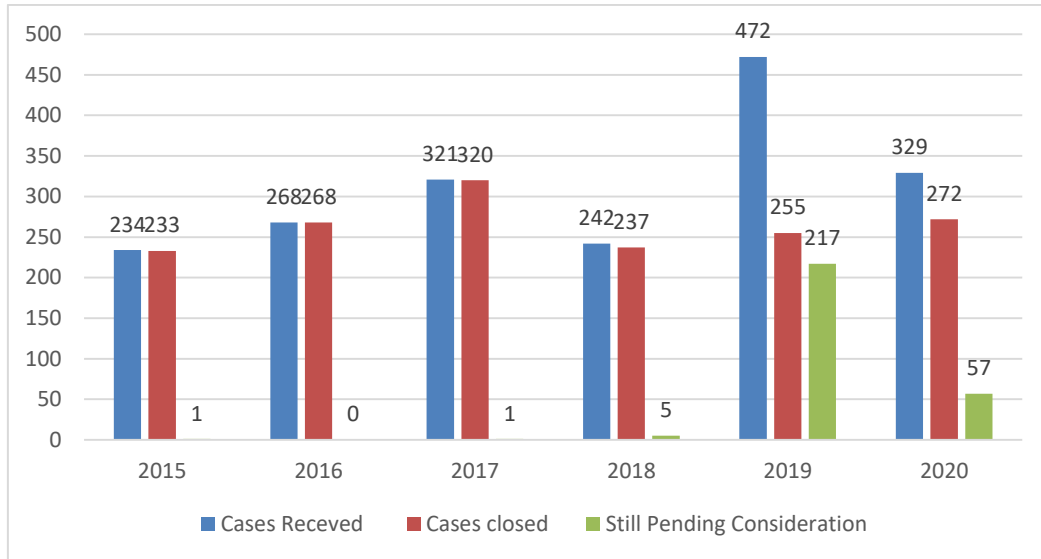
1.3 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases.

1.4 The purpose of this update is to update the planning committee with regards the enforcement enquiries that are being received and progressed to the period ending December 2020.

1.5 Performance

1.6 Graph One (Workflows) below shows the number of enquires received by the planning department over the last five calendar years).

Graph One: Workflows



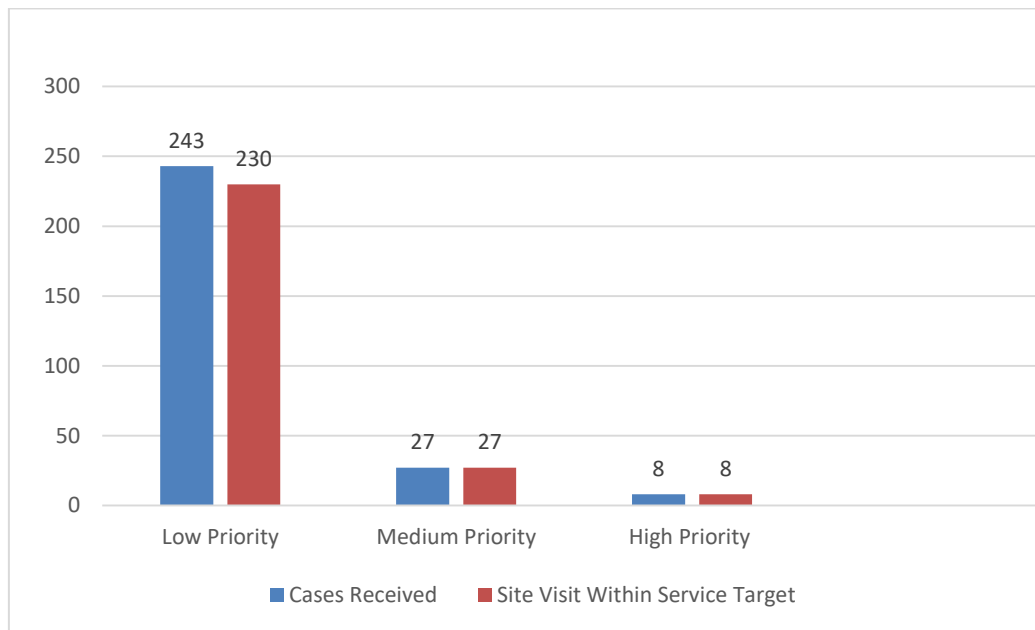
1.7 Table one below shows the number of historic cases that have been closed over the last five years as well as the number of cases that officers continue to process.

Table One Historic Cases:

Year	No. of Enquiries	Closed Cases	Cases Pending
2015	234	233	1
2016	268	268	0
2017	321	319	2
2018	242	237	5
2019 (Excluding Creswell Model Village)	278	230	48
2020	329	278	51

- 1.8 The 2019 increase in unauthorised enquiries relate to an ongoing project at the Creswell Model Village. The breaches of planning control that are not lawful are being progressed. This project will be reported to the Planning Committee under a separate report.
- 1.9 Graph two below shows that of the 329 actual enquires that were received in 2020 the enforcement team managed to visit 100% (8 cases) of high and medium priorities (27 cases) within the service target. However of the 243 low priority cases 14 cases were not inspected within the 42 day target. The implications of the Coronavirus is considered to be a factor in the failure of this target as officers continued to progress High and Medium cases from 2020 and 2019 cases.

Graph Two: Site Visits within Service Targets 2020



- 1.10 Table two below shows the numbers of cases and the number of cases by priority that have been closed in 2020 as well as the number that remain pending consideration.

Table Two Workflows; 2020

2020	No. of Enquiries	Closed Cases		Cases Pending	
Total	329	272	83%	57	17%
Low Priority	293	247	84%	46	16%

Medium Priority	24	19	79%	5	21%	1.11
High Priority	12	12	100%	Nil	%	

Table three below shows the cases that have progressed to enforcement action.

Table Three: Status of Historic Cases

Reference	Location Allegation	Status
E15/232 High Priority	Barlborough Development of Stables	Extant enforcement notice. Working with landowner to ascertain potential use.
E17/086 Medium priority	Clowne Alleged hard-landscaping, front extension and erection of walls.	Monitoring site following recent negotiations with Conservation Officers.
E17/178 Medium priority	South Normanton Change of use of carpet warehouse to tyre fitting unit.	Planning Enforcement Notice Issued
E18/061 Medium priority	Shirebrook Alleged unauthorised change of use to a C3 dwelling house Shirebrook.	Pending consideration: Working with landowner to regularise the use of the building.
E18/069 Low priority	South Normanton Land On Corner Of Duke Street And, Main Street.	Issued S215 Notice to tidy land / working with Empty Properties Officer.
E18/092 Medium priority	Barlborough Siting and permanent residential use of static caravans.	Planning Inspectorate Decision issued 14 th June '21 granting temp 2 year permission.
E18/145 Low priority	Clowne Untidy Land / building / residential use of static caravans.	Pending consideration.
E18/163 Low priority	Bolsover High Hedges complaint.	Remedial Notice issued.

1.12 Whilst there are 48 historic cases from 2019 these will reported at the next committee report update as many of these are advanced in terms of negotiation with the land owners and potentially many will be closed without further action.

2.0 Conclusions and Reasons for Recommendation

- 2.1 Whilst officers consider that the Local Enforcement Plan is working, insofar as it is allowing the enforcement team to ensure there are sufficient resources to make sure breaches of planning control are dealt with effectively and efficiently, it is also considered that the enforcement team is performing well against the service standards with regard to promptly visiting sites where cases have been reported to the Planning Service and making first contact with the suspected offender.
- 2.2 Consequently, officers would recommend that this report is noted and further monitoring reports are resumed and submitted to the Planning Committee on a half-yearly basis to allow members to retain appropriate oversight of these issues and the effectiveness of the Council's planning enforcement function.
- 2.3 Members are reminded that a review of the Local Enforcement Plan is due to take place before March 2022.

3.0 Consultation and Equality Impact

- 3.1 The above report has not been subject to consultation because it is mainly for information rather than for the purposes of policy-making or decision-making. For the same reasons, it is not considered that the above report gives rise to any issues under the public sector duty set out in the Equality Act 2010.

4.0 Alternative Options and Reasons for Rejection

- 4.1 Members of the Planning Committee have oversight of planning enforcement and it is considered appropriate to report on performance against the Local Enforcement Plan and highlight issues within planning enforcement on a regular basis. Therefore, options other than producing this type of report for Members on a half-yearly basis have not been considered in any detail.

5.0 Implications

5.1 Finance and Risk Implications

- 5.2 There are no significant cost implications involved with reporting performance against the Local Enforcement Plan but as noted below, this monitoring report may give rise to further consideration of the resources required by the enforcement team to work effectively.

6.0 Legal Implications including Data Protection

- 6.1 Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.
- 6.2 The above report does not contain any personal data.

- 6.3 Where the case is still pending consideration, the property address has been anonymised to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record and that information is publically available.
- 6.4 Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

7.0 Human Resources Implications

- 7.1 The adoption of a Local Enforcement Plan should help officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. However, monitoring progress against service standards in the Plan may identify additional resource is needed to enable planning enforcement to be carried out effectively within the District.

8.0 Recommendations

- 8.1 This report is noted.
- 8.2 The planning department's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

9.0 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

10.0 Document Information

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
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