

Bolsover District Council

Planning Committee

19th January 2022

Local Enforcement Plan Update

Report of the Planning Manager

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.

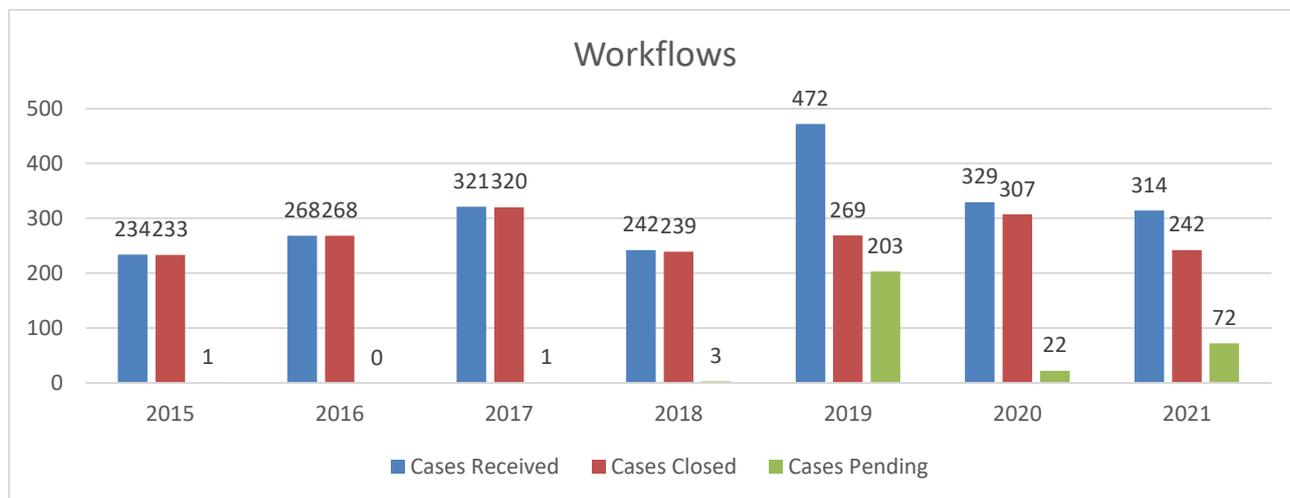
1.3 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases.

1.4 The purpose of this report is to update the planning committee with regards the enforcement enquiries that are being received and progressed to the period ending December 2021.

1.5 Performance

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

Graph One: Workflows



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

Table One Historic Cases:

Year	Cases Received	Cases Closed	Cases Pending
2015	234	233	1
2016	268	268	0
2017	321	320	1
2018	242	239	3
2019 (Excluding Creswell Model Village)	278	269	9
2020	329	307	22
2021	314	242	72

- 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 314 actual enquires that were received in 2021 the enforcement team managed to visit 84% of high and medium priorities (19 cases) within the service target. Of the 295 low priority cases 9 cases were not inspected within the 42 day target (3%). Given the implications of the coronavirus over the past 12 months, this is considered to be a factor in the shortcomings in meeting the targets.

Graph Two: Site Visits within Service Targets 2021



- 1.10 Table Two below shows the numbers of cases and the number of cases by priority that have been closed in 2020 and 2021, as well as the number that remain pending consideration.

Table Two Workflows: 2020 and 2021

	2020					2021				
	Cases Received	Cases Closed		Cases Pending		Cases Received	Cases Closed		Cases Pending	
Total	329	307	93.5%	22	6.5%	314	242	77%	72	23%
Low Priority	293	273	93%	20	7%	295	228	77%	67	23%
Medium Priority	24	22	91.5%	2	8.5%	11	8	73%	3	7%

High Priority	12	12	100%	0	Nil	8	6	75%	2	25%
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1.11 Table Three below shows the oldest cases that are still pending or have progressed to enforcement action.

Table Three: Status of Historic Cases (up to end of 2019)

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 Notice currently being complied with.
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. Notice not complied with so works to progress in default by BDC and recharge to land.
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 re-issued end '21, compliance required by Feb '22.
E19/015 Medium priority	Barlborough Allegation of mobile home used for residential purposes.	Pending consideration.
E19/016 Low priority	South Normanton Allegation of untidy land.	Proceed to serve a Community Protection Warning Notice.
E19/074 Medium priority	Clowne COU of land to store trailers / park LGVS and associated development.	Enforcement Notice issued and Appeal pending.
E19/092 Low priority	Stanfree Alleged erection of stable block and paddocks fenced into sections.	Pending consideration. Working with landowner to ascertain potential permission.
E19/152 Low priority	Pinxton Alleged erection of large shed.	Pending consideration. PCN served.
E19/160 Low priority	Clowne Allegation of outbuilding.	Pending consideration. PCN served.
E19/163 Low priority	Tibshelf Alleged change of use (storage).	Pending consideration, officers to proceed to serve an Enforcement Notice.
E19/209 Low priority	Pinxton Alleged development of bungalow.	Pending consideration.

E19/371 Low priority	Stainsby Alleged building works.	Pending consideration.
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- 1.12 Resolution of these outstanding / historic cases will be prioritised over the next 6-12 months.

2.0 Conclusions and Reasons for Recommendation

- 2.1 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 Officers recommend that this report is noted and further monitoring reports continue to be 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 and therefore a separate review report is to follow this update at the next available committee.

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 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:</p> <p><i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i></p> <p><i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	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		
Report Author		Contact Number
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