

Bolsover District Council

Meeting of the Planning Committee on 31st August 2022

Report of the Planning Manager (Development Control)

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st January 2022 – 30th June 2022, as well as provide an update on ongoing historic cases.

REPORT DETAILS

1. Background

- 1.1 The Local Enforcement Plan was adopted by the Planning Committee in 2019 and refreshed in May 2022. 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 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. By way of example a medium priority case includes unauthorised development that contravenes local planning policy, significantly impacts on local amenity or

public safety, or results in harm to the character of a Conservation Area or setting of a listed building.

- 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. By way of example a low priority case includes unauthorised householder development, running small businesses from residential properties, unauthorised advertisements, and untidy land and buildings.

1.2 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.

1.3 The purpose of this report is to update the planning committee with regard to the enforcement enquiries that are being received and progressed to the period January 2022 – June 2022 inclusive and provide an update on ongoing historic cases.

2. Performance

2.1 During the period 1st January 2022 – June 30th 2022, 152 unauthorised activity enquiries were received. Out of these, 4 were considered high priority, 14 medium priority and 134 low priority. As a total, 97% of cases began investigation within the target time.

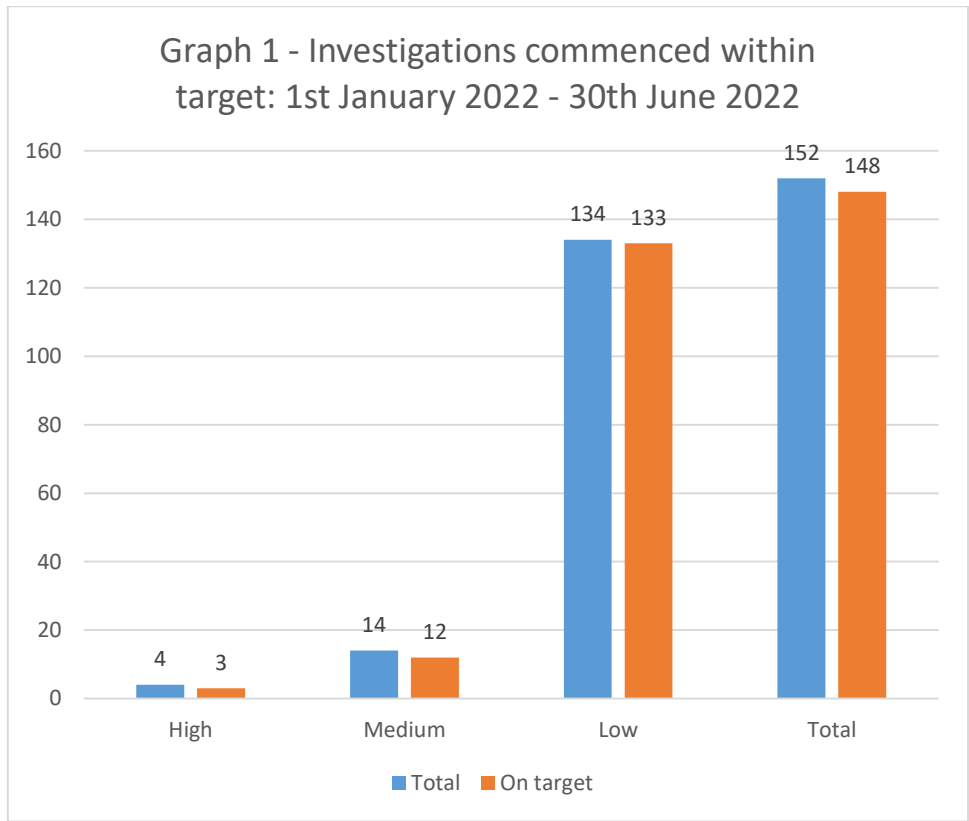
2.2 Out of the 4 high priority cases, 2 are currently pending consideration and 2 have been closed. Investigations began on 3 out of the 4 within 24 hours (75%).

2.3 Out of the 14 medium priority cases, 8 are currently pending consideration and 6 have been closed. Investigations began on 12 out of the 14 within two weeks (86%).

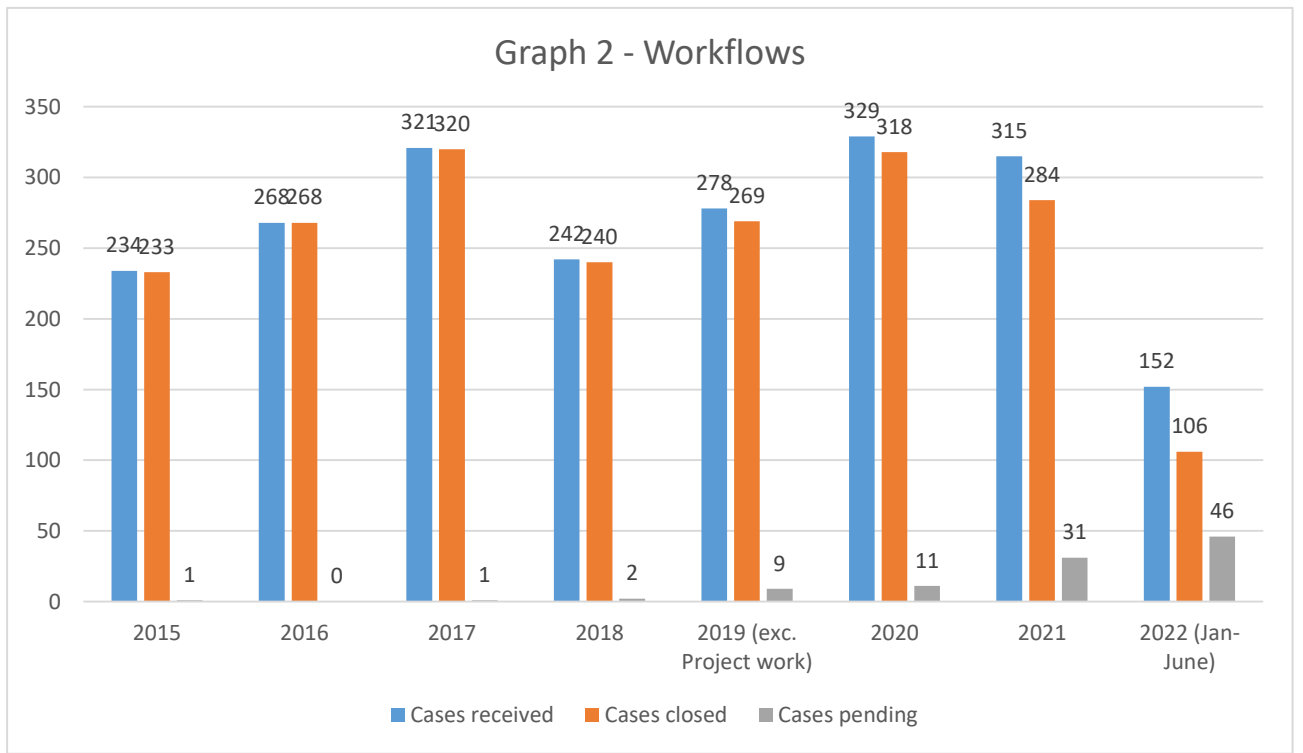
2.4 Out of the 134 low priority cases, 36 are currently pending consideration and 98 have been closed. Investigations began on 133 out of the 134 cases within six weeks (99%).

2.5 Graph 1 below shows the number of cases commenced within target per priority and as a total.

2.6 At the end of 2021, the then Principal Enforcement Officer left the employment of the Council and this has since left two officers instead of the three. Given the loss of an experienced officer and the necessary transition period for his caseload to be understood and progressed, the target achievement set out above considered a success.



2.7 The oldest enforcement case still open is from 2015. Graph 2 below therefore shows the amount of cases still pending consideration broken down per year starting in 2015. It is clear that historic cases make up a very small amount of the overall open cases, which is of course very positive (only 13% before 2020). In 2019, we undertook a research project on Creswell Model Village. The cases generated from this project are being dealt with separately and so have been excluded from the figures below.



- 2.8 Table 1 below provides a summary of historic cases (considered to be those received up until the end of 2019. In the last report at the end of 2021, there were 17 cases on this list. Three of those have now been closed (shaded below) and many more are now nearing closure as can be seen from the status notes.

Table One: Historic Cases (up to end of 2019)

Reference	Location Allegation	Status
E15/232 High Priority	Barlborough Development of Stables	Extant Enforcement Notice.
E17/086 Medium priority	Clowne Alleged hard-landscaping, front extension and erection of walls.	Agreed works underway.
E17/178 Medium priority	South Normanton Change of use of carpet warehouse to tyre fitting unit.	Enforcement Notice complied with so case closed.
E18/061 Medium priority	Shirebrook Alleged unauthorised change of use to a C3 dwelling house.	C3 use deemed acceptable so case can likely be closed after a further site visit.
E18/069 Low priority	South Normanton Untidy land.	Issued S215 Notice to tidy land. Notice not complied with so works in default have been undertaken and a charge placed on the land to recoup costs. Case therefore closed.
E18/092 Medium priority	Barlborough Siting and permanent residential use of static caravans.	Temporary use issued by Planning Inspectorate so monitoring situation.
E18/145 Low priority	Clowne Untidy land / building / residential use of static caravans.	Visual harm and harm to amenity negligible, and no public complaints received, so not

		expedient to pursue. Case therefore closed.
E18/163 Low priority	Bolsover High Hedges complaint.	Remedial Notice mainly complied with. Monitoring to ensure full compliance.
E19/015 Medium priority	Barlborough Allegation of mobile home used for residential purposes.	Considered there to be no unlawful residential use but working with owner on other issues on site.
E19/016 Low priority	South Normanton Allegation of untidy land.	Community Protection Warning Notice served but works in default arranged by Environmental Health that have resolved the matter.
E19/074 Medium priority	Clowne COU of land to store trailers / park LGVS and associated development.	Enforcement Notice issued and appeal won. Monitoring to ensure compliance with conditions imposed.
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.	Planning Contravention Notice served but not returned. This is being pursued with Legal.
E19/160 Low priority	Clowne Allegation of outbuilding.	Planning Contravention Notice served but not returned. This is being pursued with Legal.
E19/163 Low priority	Tibshelf Alleged change of use (storage).	Retrospective planning permission now granted, but monitoring to ensure compliance with conditions imposed.

E19/209 Low priority	Pinxton Alleged development of bungalow.	Development likely acceptable, so working with owner to regularise.
E19/371 Low priority	Stainsby Alleged engineering works.	Works ceased but pursuing remedial works.

2.9 Resolution of these outstanding historic cases continues to be a priority but given the limited resources, this is balanced against the harm they are causing and the need to deal with current matters that arise that could be deemed a higher priority.

3. Reasons for Recommendation

3.1 Officers consider that the Local Enforcement Plan continues to be working well, insofar as it continues to allow the enforcement team to ensure there are sufficient resources to make sure breaches of planning control are dealt with effectively and efficiently, and in a transparent way. It also continues to help officers manage expectations by referring people to the formally adopted process and standards. It is 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.

3.2 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.

4 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.

RECOMMENDATION(S)

1. This report is noted.
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.

IMPLICATIONS:

Finance and Risk: Yes No

Details:

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.

On behalf of the Section 151 Officer

Legal (including Data Protection):Yes No **Details:**

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.

The above report does not contain any personal data.

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.

Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

On behalf of the Solicitor to the Council

Staffing:Yes No **Details:**

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.

On behalf of the Head of Paid Service

DECISION INFORMATION

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details:

DOCUMENT INFORMATION	
Appendix No	Title
N/A	N/A