

Bolsover District Council

Meeting of the Planning Committee on 1st March 2023

Enforcement Update Report

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 July 2022 – 31st December 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:

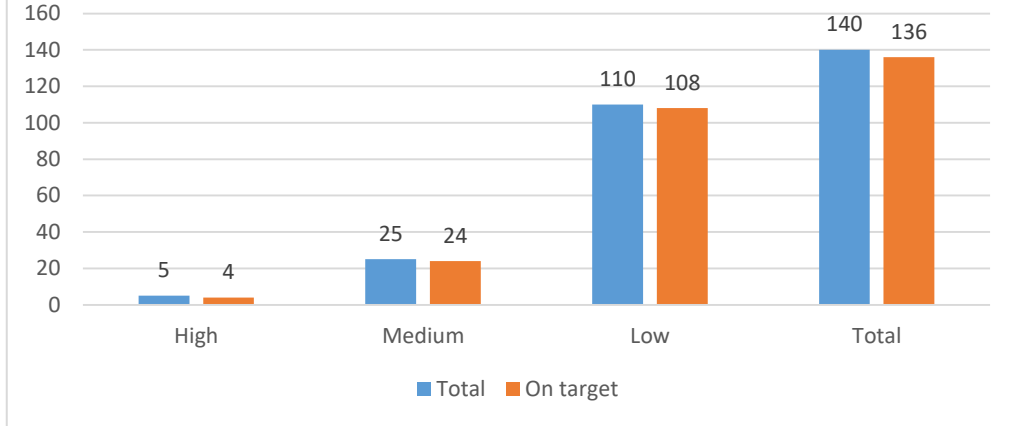
- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified wherever possible, but within one working day, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of example a high 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 control. 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 have been received and were being progressed during the period July 2022 – December 2022 inclusive, and provide an update on ongoing historic cases.

2 Performance

- 2.1 During the period 1st July 2022 – 31st December 2022, 140 unauthorised activity enquiries were received. Out of these, 5 were considered high priority, 25 medium priority and 110 low priority. As a total, 97% of cases began investigation within the target time, which is the same figure as in the last reporting period.
- 2.2 Out of the 5 high priority cases, 3 are currently pending consideration and 2 have been closed. Investigations began on 4 out of the 5 within 1 working day (80%).
- 2.3 Out of the 25 medium priority cases, 8 are currently pending consideration and 17 have been closed. Investigations began on 24 out of the 25 within two weeks (96%).
- 2.4 Out of the 110 low priority cases, 27 are currently pending consideration and 83 have been closed. Investigations began on 108 out of the 110 cases within six weeks (98%).
- 2.5 Graph 1 below shows the number of cases commenced within target per priority and as a total:

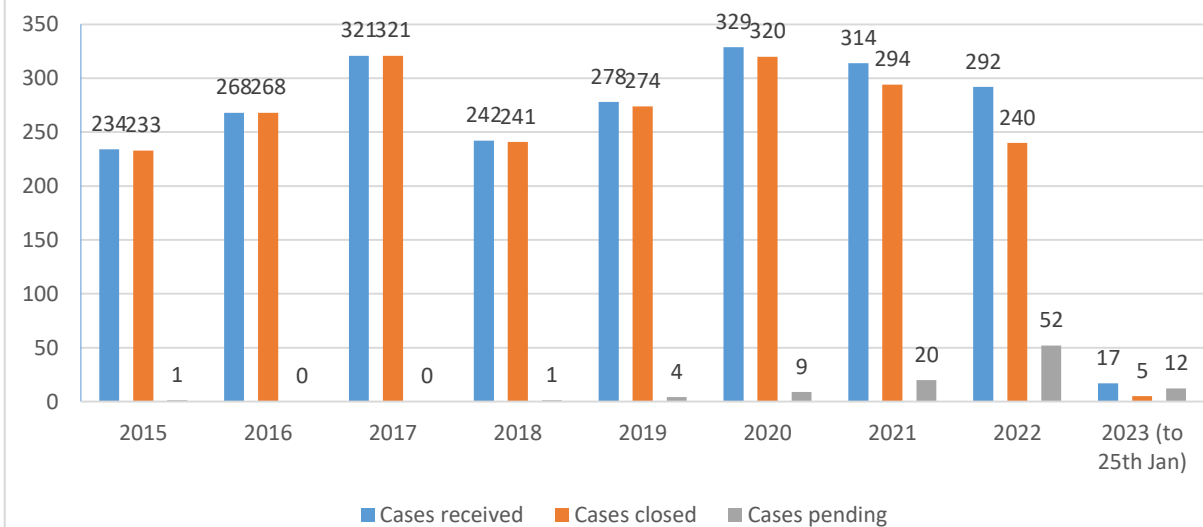
Graph 1 - Investigations commenced within target: 1st July 2022 - 31st December 2022



2.6 Since the end of 2021, the Planning Enforcement function has operated with two dedicated officers instead of three. The remaining officers have worked hard to maintain high standards of service, with regard to both meeting the expectations of its 'customers' (including Members and the perceived quality of service) and working efficiently and effectively to manage the workload with reduced staffing.

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 from 2015. Historic cases continue to make up a very small proportion of the overall open cases, which is of course very positive (now only 6% before 2020). In 2019, we undertook a research project on Creswell Model Village and have more recently began to look at New Bolsover following significant investment in the site. The cases generated from these projects are being dealt with separately and so have been excluded from the figures below:

Graph 2 - Workflows



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 considering until the end of June 2022, there were 14 cases on this list. Eight of those have now been closed (shaded below) leaving only six cases open. This means that officers have worked to more than halve the number of historic cases in the last six months.

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 completed.
E18/061 Medium priority	Shirebrook Alleged unauthorised change of use to a C3 dwelling house.	C3 use deemed acceptable.
E18/092 Medium priority	Barlborough Siting and permanent residential use of static caravans.	Temporary use issued by Planning Inspectorate so monitoring situation on different case.
E18/163 Low priority	Bolsover High Hedges complaint.	Remedial Notice requirements believed to be now fully complied with but need to evidence before closing.
E19/015 Medium priority	Barlborough Allegation of mobile home used for residential purposes.	Certificate of Lawful Development issued.
E19/016 Low priority	South Normanton Allegation of untidy land.	Land cleared.
E19/074 Medium priority	Clowne	Appeal upheld but checking all conditions

	COU of land to store trailers / park LGVS and associated development.	complied with before closing.
E19/092 Low priority	Stanfree Alleged erection of stable block and paddocks fenced into sections.	Stables now not being built and not considered expedient to enforce against the remaining personal equestrian use.
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 granted and conditions met.
E19/209 Low priority	Pinxton Alleged development of bungalow.	Development considered acceptable so not expedient to pursue further enforcement action.
E19/371 Low priority	Stainsby Alleged engineering works.	Works ceased but pursuing remedial works.

2.9 Work continues to resolve the oldest open cases but this is balanced against the priority of newer and often more urgent matters, alongside project work and other areas of Planning that enforcement officers are involved with.

3 Reasons for Recommendation

3.1 Mirroring the conclusions of the last report, 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 It is recommended 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.
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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

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

<p>District Wards Significantly Affected</p>	<p>All</p>
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> <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"/></p>	<p>Details:</p>

DOCUMENT INFORMATION

Appendix No	Title
N/A	