

Bolsover District Council

Meeting of the Planning Committee on 6th September 2023

Report of the Interim Head of Development Management

Enforcement Update

Classification	This report is Public
Report By	Sarah Kay – Interim Head of Development Management
Contact Officer	Jonathan Gaynor – Principal Enforcement Officer (Development Control)

PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st January 2023 – 30th June 2023, 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 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, while allowing for best direction of resource given the limited resource available.

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 January 2023 – June 2023 inclusive and provide an update on ongoing historic cases.

2. Performance

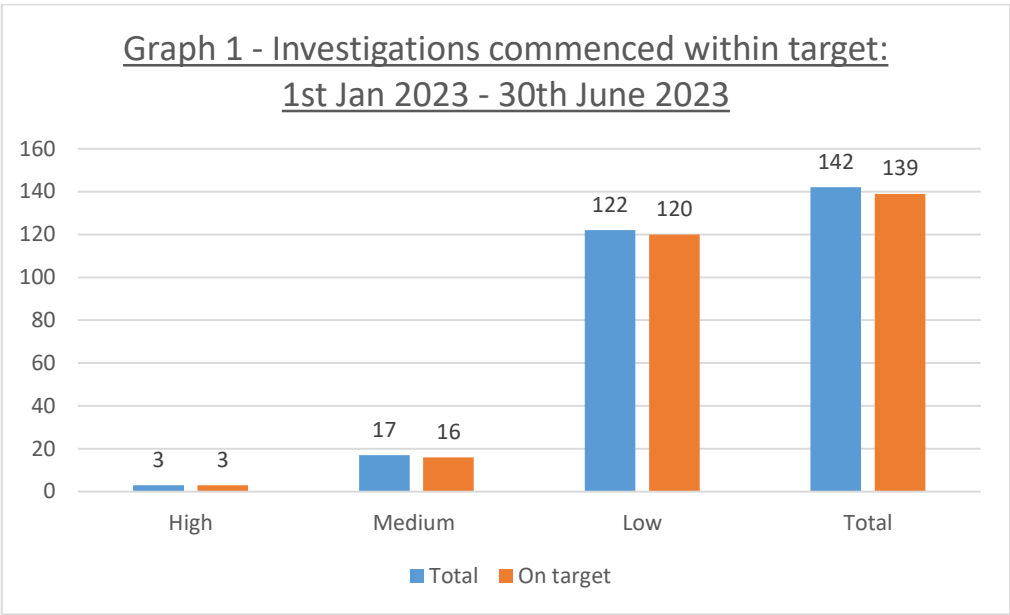
2.1 During the period 1st January 2023 – 30th June 2023, 142 unauthorised activity enquiries were received. Out of these, 3 were considered high priority, 17 medium priority and 122 low priority. As a total, 98% of cases began investigation within the target time.

2.2 Out of the 3 high priority cases, 2 are currently pending consideration and 1 has been closed. Investigations began on all 3 within 1 working day (100%).

2.3 Out of the 17 medium priority cases, 6 are currently pending consideration and 11 have been closed. Investigations began on 16 out of the 17 within two weeks (94%).

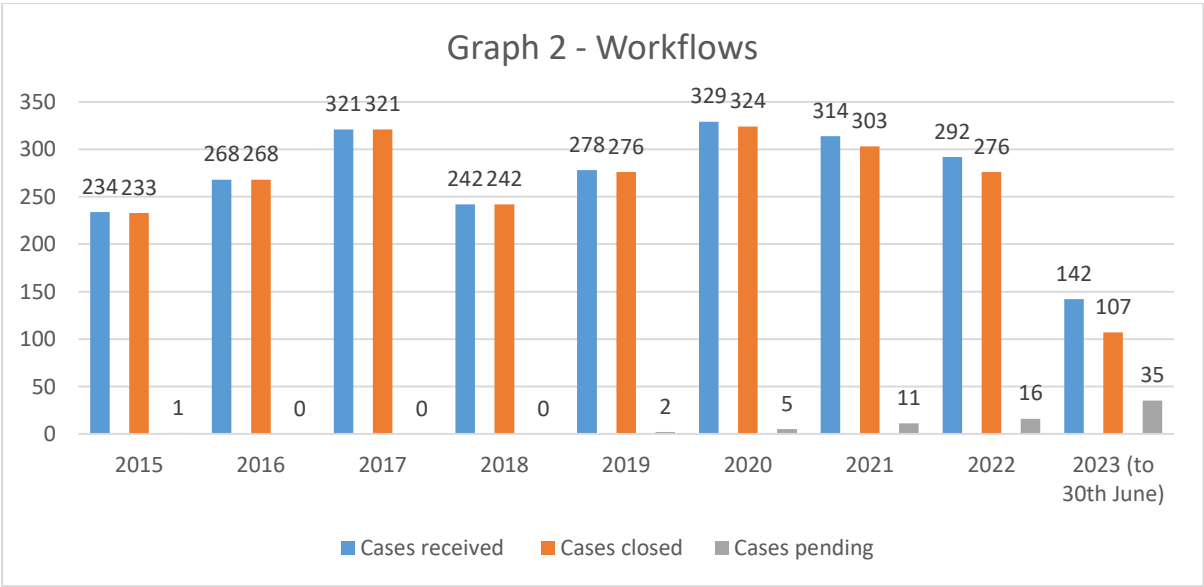
2.4 Out of the 122 low priority cases, 32 are currently pending consideration and 90 have been closed. Investigations began on 120 out of the 122 cases within six weeks (98%).

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



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 4.3% before 2020). Since 2019, we have also undertaken a number of research projects on historically important sites to understand what has been happening on the sites following significant investment on renovations. The cases generated from these projects 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 considering up until the end of December 2022, there were 6 cases on this list. Three of those have now been closed (shaded below) leaving only three cases open:

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

Reference	Location Allegation	Status
E15/232 High Priority	Barlborough Development of Stables	Extant Enforcement Notice. All other routes now exhausted and subject understands the building must be demolished to avoid prosecution.
E18/163 Low priority	Bolsover High Hedges complaint.	Requirements of Remedial Notice complied with so case closed.
E19/074 Medium priority	Clowne COU of land to store trailers / park LGVS and associated development.	Appeal upheld and all conditions complied with so case closed.
E19/152 Low priority	Pinxton Erection of large shed.	Successful prosecution for non-return of Planning Contravention Notice and Enforcement Notice now served.
E19/160 Low priority	Clowne Erection of outbuilding.	Successful prosecution for non-return of Planning Contravention Notice. Not considered expedient to take further action against the outbuilding so case closed.
E19/371 Low priority	Stainsby Engineering works.	Works ceased and prosecution commenced for non-return of planning Contravention Notice.

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 previous recent reports, 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 publicly 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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><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"/> 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	