

Bolsover District Council

Meeting of the Planning Committee on 17th July 2024

6 Monthly Enforcement Report – January 2024 – June 2024

Report of the Development Management and Land Charges Manager

Classification	This report is Public
Contact Details	Samantha Sidwell – Enforcement Officer Peter Sawdon – Principal Planner Kay Gregory – Principal Planner

PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st January 2024 – 30th June 2024, 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 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.

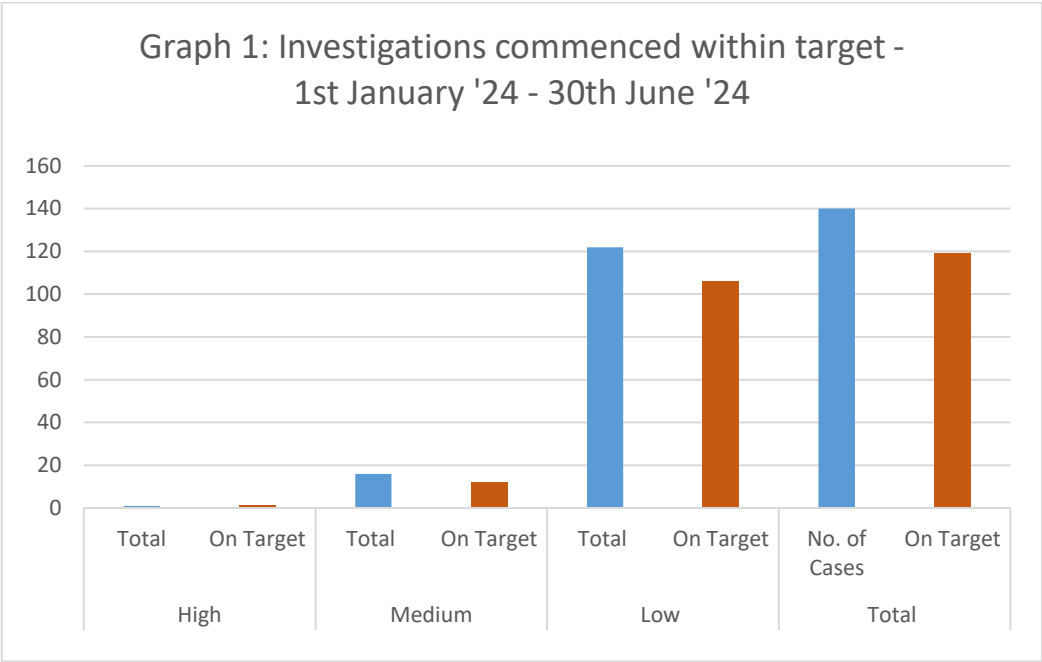
1.3 The purpose of this report is to update the planning committee with regard to the enforcement enquiries that have been received and have been progressed during the period January 2024 – June 2024 inclusive and provide an update on ongoing historic cases.

2. Performance

2.1 During the period 1st January 2024 – 30th June 2024, 140 unauthorised activity enquiries were received; up 27% on the previous 6 months review period. Out of these, 2 were considered high priority, 16 medium priority and 122 low priority cases. As a total, 85% of cases began investigation within the target time. This slight downturn in performance is reflective of a reduction in staffing within the planning enforcement team over the review period.

2.2 The 2 no. high priority cases have been resolved. Investigations were carried out within one working day and two working days of receipt. Out of the 16 medium priority cases, 8 are currently pending consideration and 8 have been closed. Investigations began on 12 out of the 16 cases within two weeks (75%). Out of the 122 low priority cases, 50 are currently pending consideration and 72 have been closed. Investigations were carried out on 106 out of the 122 cases within six weeks (87%).

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



2.6 Following the resignation of the Principal Planning Enforcement Officer on the 18th April 2024 and difficulties recruiting into this position, a decision was taken to recycle this post and recruit an additional Principal Planner who, with the other Principal Planners within the development management team would be able to take a lead on planning enforcement cases requiring formal action to be taken. This will ensure greater resilience within the team and a renewed focus on planning enforcement work and service delivery going forward.

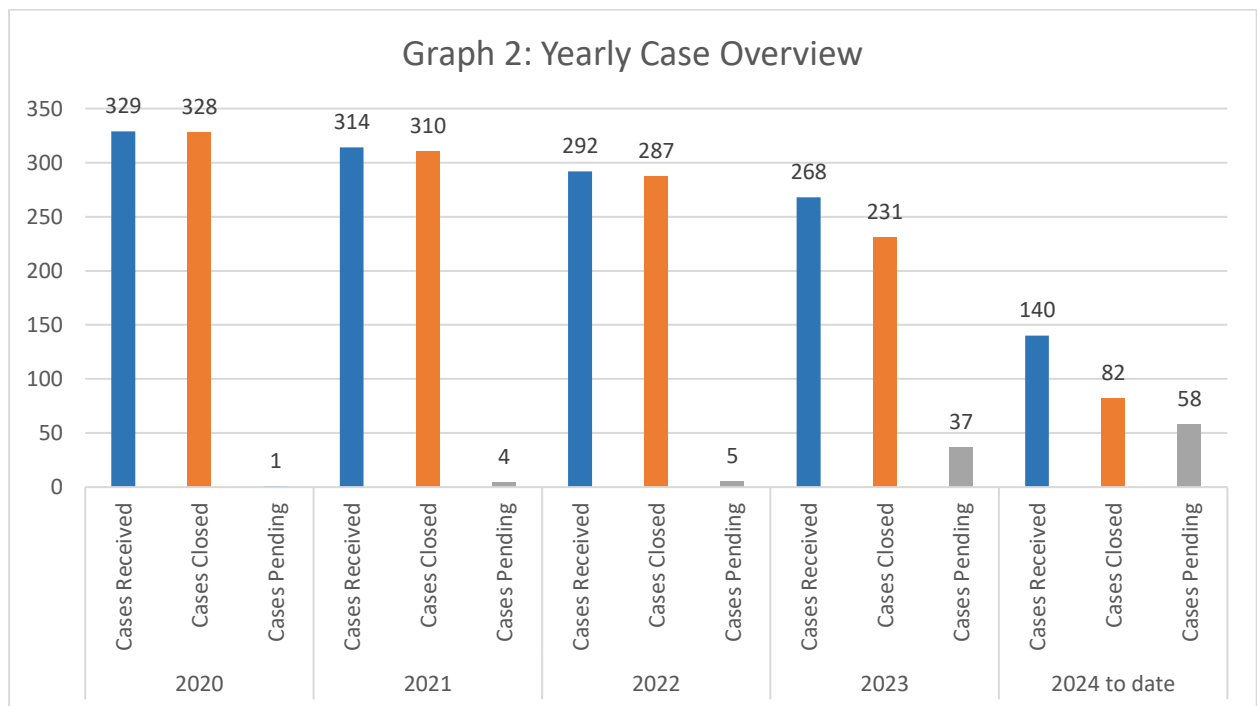
2.7 In order to manage workflow within the development management team the department has invested in and is committed to developing its case management software to allocate and distribute workload to effectively manage cases and achieve high performance against performance standards in the Local Enforcement Plan, greater accountability and positive outcomes in respect of breaches of planning control requiring formal action to be taken.

2.8 The current Planning Enforcement Officer has worked extremely hard to maintain service delivery and good performance, despite the service operating at 50% capacity in terms of staffing for the majority of the review period. Progress has also been made on progressing and resolving long standing planning enforcement cases. The development management service reported in the last monthly enforcement report that the oldest enforcement case dated back to 2015 (Case ref. E15/232 – Stables at Barlborough). This case was closed on the 16th May 2024 following the demolition of the unauthorised building and compliance with the Enforcement Notice dated 27th January 2017.

2.9 The development management team have also closed enforcement case ref. E19/371 (engineering works at Stainsby Common), following the successful prosecution of the site owner for failing to return a Planning Contravention Notice

on the 7th September 2023. A review of the breach was undertaken and it was determined that it was not expedient to pursue the matter further through the taking of formal planning enforcement action based on the level of harm to the environment and consideration against the relevant provisions of the development plan.

- 2.10 Planning Enforcement case ref. E20/271 has also been closed on the basis that it was not considered expedient to pursue the breach (non-compliance with approved plans and the untidy nature of the site) any further through the taking of formal enforcement action. Where the breach is acceptable on its planning merits and formal enforcement action would solely be to regularise the development, this is a circumstance where formal action should not be taken. The changes to the building were not considered to be significant in terms of their impact on the character and appearance of the building and its surroundings and the site was not considered to be untidy to the extent that it was sufficiently harmful to amenity to warrant the service of a s215 notice.
- 2.11 Following the grant of planning permission 24/00082/FUL on the 20th June 2024 for the retention of a caravan as residential accommodation at New Farm, Newboundmill Lane, Pleasley enforcement case ref. E20/23 has been closed. This leaves only one outstanding unauthorised activity enquiry case received during 2020. This case (ref. E20/014) at Hyndley Road, Bolsover is proceeding to resolution through the receipt of an application and ongoing negotiations with the site owner.
- 2.12 Graph 2 below shows the number of cases still pending consideration broken down per year starting from 2020 (as no historic cases are pending consideration before this year).



- 2.13 Graph 2 shows indicates that significant progress has been made on resolving historic cases, with some positive outcomes to note from paragraphs 2.8 to 2.11.
- 2.14 During the review period (January – June 2024) the development management Team have served 4 no. enforcement notices and 1 no. listed building enforcement notice. The details of these notices are set out in the table below:

Table 1: Enforcement Notices Served over the review period – January – June 2024

Reference	Location	Type and Date of Notice
E23/050 Low Priority	67 Chatsworth Road, Creswell Change of use of land to garden and erection of fence	Enforcement Notice 31.01.2024
E21/258 Low Priority	Land South Of Pasture Lane, Hilcote Use of storage container as a dwelling	Enforcement Notice 19.03.2024
E23/266 High Priority	3 Park Street, Barlborough Unauthorised installation of replacement windows	Listed Building Enforcement Notice 10.04.2024
E22/169 Low Priority	Land South West Beaumont Cottage, Hilcote Lane, Hilcote Change of use of land from agricultural use to a dog training and exercise facility (sui generis) and the siting of an associated caravan and unauthorised building and operational development comprising the erection of associated 1.8m high metal perimeter fencing and timber storage buildings	Enforcement Notice 19.04.2024
E22/200 Low Priority	3 Rockley Cottages, Stony Houghton Unauthorised building operations comprising	Enforcement Notice 21.05.2024

	the erection of kennels and storage buildings and material change of land from agricultural use to storage use (sui generis)	
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2.9 The above table indicates high performance in respect of formal enforcement action taken over the review period, through the serving of enforcement notices.

3. 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 that breaches of planning control are dealt with effectively 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 service is performing well against the standards set with regard to promptly visiting sites where cases have been reported to the Planning Service and making first contact with the suspected offender. This is due in a large part to the existing Planning Enforcement Officer, who has continued to deliver against service plan standards despite operating without a Principal Planning Enforcement Officer in post. The resignation of the Principal Planning Enforcement Officer and appointment of a new principal planner presents an opportunity to review service delivery. The investment in and development of the departments case management software to allocate and share workload to effectively manage cases and achieve high performance against performance standards in the Local Enforcement Plan and positive outcomes in respect of breaches of planning control requiring formal action to be taken will provide a renewed focus and structure to planning enforcement work. The involvement of a wider pool of officers in this work should also improve resilience and help increase productivity and performance going forward.

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.

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 that 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? (Only Key Decisions are subject to Call-In)</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	