

Bolsover District Council

Meeting of the Planning Committee on 22nd January 2025

6 Monthly Enforcement Report – July 2024 – December 2024

Report of the Development Management and Land Charges Manager

Classification	This report is Public
Contact Officer	Chris Whitmore – Development Management and Land Charges Manager

PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st July 2024 – 31st December 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 Planning Enforcement Officers consider are specific, measurable, achievable and realistic:

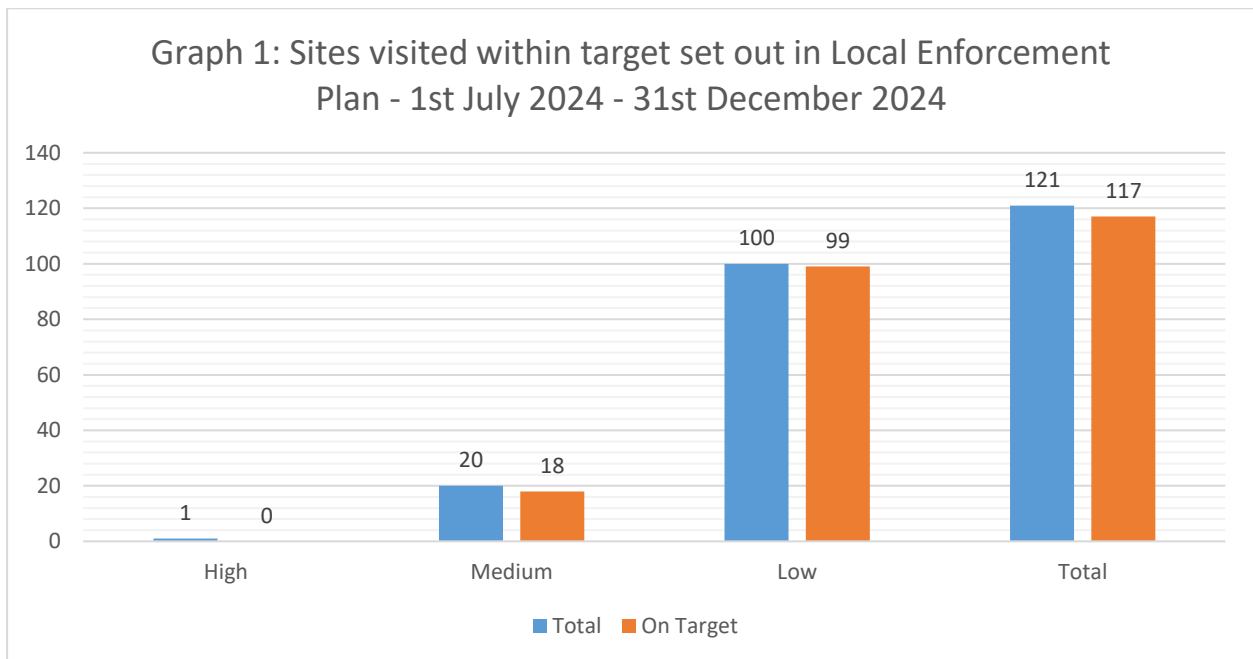
- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified wherever possible, but within one working day, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of example a high 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.

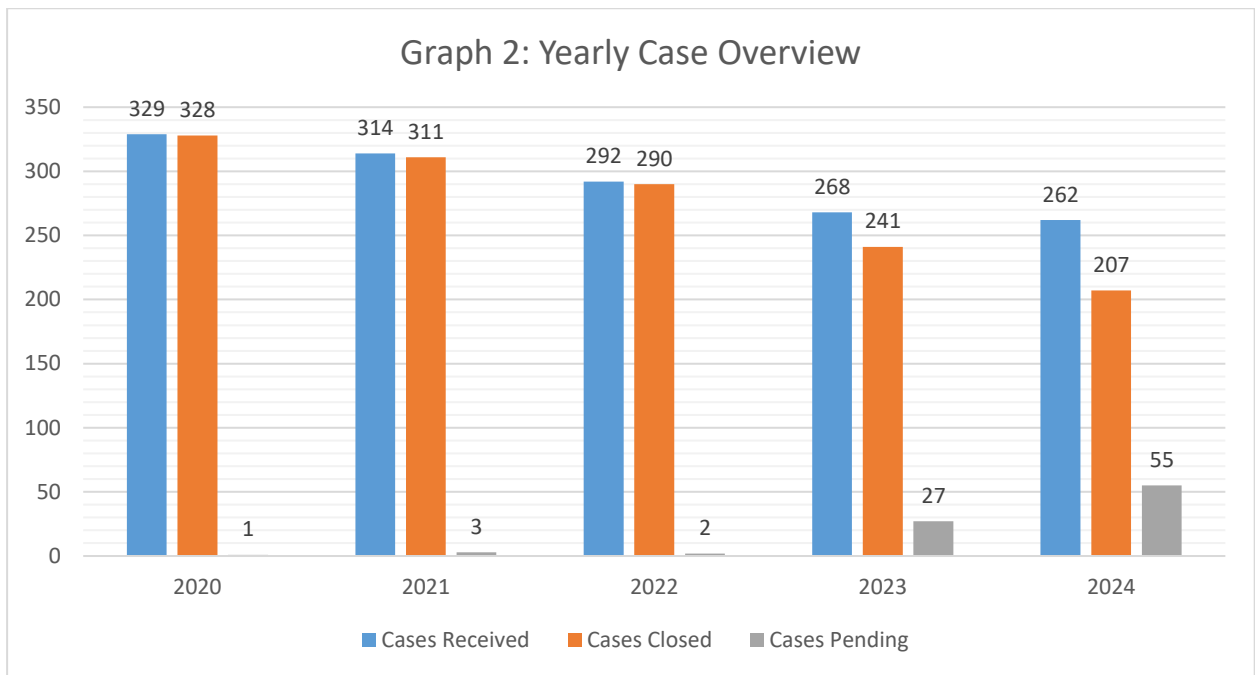
- 1.2 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases, while allowing for best direction of resource given the limited resource available.
- 1.3 The purpose of this report is to update the planning committee with regard to the enforcement enquiries that have been received and have been progressed during the period July 2024 – December 2024 inclusive and provide an update on ongoing historic cases.

2. Detail of Information on Performance

- 2.1 During the period 1st July 2024 – 31th December 2024, 121 unauthorised activity enquiries were received; down 14% on the previous 6 months review period. One of these enquiries was high priority case, relating to works to protected trees. Although the adopted Local Enforcement Plan requires that high priority cases be visited within one working day, the site was known to officers and enquiries were made with the developer in a timely manner to establish the facts and a visit was subsequently undertaken. This resulted in a swift and proportionate resolution and ultimately resulted in a decision to close the case down.
- 2.2 20 medium priority and 100 low priority cases were received. As a total, 97% of cases were visited within the target period set out in the adopted Local Enforcement Plan. This is an improvement on the previous 6 month reporting period of 12%.
- 2.3 Of the 20 medium priority cases, 8 are currently pending consideration and 12 have been resolved / closed. Investigations began on 18 out of the 20 cases within two weeks (90%). Out of the 100 low priority cases, 25 are currently pending consideration and 75 have been resolved / closed. 99 out of the 100 low priority cases (99%) were visited within the six-week target set out in the adopted Local Enforcement Plan.
- 2.4 Graph 1 below shows the number of cases visited within target per priority and as a total:



- 2.5 The above performance highlights very high performance from the services dedicated Enforcement Officer, who currently undertakes visits for all new enquiries received.
- 2.6 Over the review period, the new planning enforcement service structure has changed / bedded in, with Principal Planning Officers and the Development Management and Land Charges Manager continuing to make decisions on what enforcement action should be taken and all staff assisting with the preparation of delegated reports and the drafting and service of notices.
- 2.7 The revised structure has provided a renewed focus on planning enforcement work. The service has begun to utilise Enterprise tasks to manage workflow. This captures new enquiries received and allows for a pool of officers to review cases, which ensures that decisions on what action to take are made more quickly and greater resilience within the team.
- 2.8 Making better use of templates, system automation and enabling more Enterprise tasks will help streamline the service going forward and ensure that officer time is used effectively.
- 2.9 Good progress continues to be made to resolve historic cases. 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).



2.10 During the review period (July – December 2024) the Development Management team have served 3 no. enforcement notices and 2 no. Breach of Condition Notices. The details of these notices are set out in the table below:

Table 1: Enforcement Notices Served over the review period – July – December 2024

Reference	Location	Type and Date of Notice
E24/045 Low Priority	15 Park Avenue, Glapwell, Chesterfield, S44 5PZ Erection of Shed to front garden	Enforcement Notice 04/09/2024
E24/022 Low Priority	Stanfree Farm, Low Road, Clowne S43 4LQ Breach of condition 2 of planning permission code ref. 22/00377/FUL - Noise Management Plan	Breach of Condition Notice 13/09/2024
E24/029 Low Priority	Highway Area adj. 37 West Lea, Clowne S43 4QL Unauthorised change of use of highway land for the stationing of a caravan for residential use	Enforcement Notice 22/10/2024

<p>E23/092</p> <p>Low Priority</p>	<p>Land to the South East of Church Lane Pleasley</p> <p>Without planning permission the unauthorised change of use of the Land from agricultural use to the stationing of caravans for residential and storage use and the storage of vehicles, structures and equipment unconnected to agriculture (use class B8)</p>	<p>Enforcement Notice</p> <p>29/10/2024</p>
<p>E21/237</p> <p>Low Priority</p>	<p>Land 250m to the East of Westwood House, Church Lane 200m West of Derwent Drive Tibshelf</p> <p>Non-compliance with condition 5 of planning permission code ref. 22/00051/FUL – Scheme for the management of solid and liquid waste</p>	<p>Breach of Condition Notice</p> <p>15/11/2024</p>

- 2.11 The above table indicates high performance in respect of formal planning enforcement action taken over the review period.
- 2.12 In addition to the service of the above notices, the Development Management team have successfully obtained an Interim Injunction from the High Court relating to a planning matter (breach of contract), which prohibits any additional dwellings being constructed or disposed of on land at Chesterfield Road, Barlborough (the Hawthorne Meadows development) up to the 31 December 2025 following non-compliance with obligations contained within s106 legal agreements dated 7th March 2011, 13th December 2016 and 29th January 2020.

3. Reasons for Recommendation

- 3.1 Officers consider that the Local Enforcement Plan has worked well, insofar as ensuring that breaches of planning control are investigated in a timely manner in accordance with environmental impacts of any breach. It also continues to help officers manage expectations by referring people to the formally adopted process and standards.
- 3.2 It is considered that the enforcement service has performed well against the standards set within the plan, with regard to promptly visiting sites where

planning breaches have been reported to the Council. The use of Enterprise tasks to manage workflow will help to provide a clear process and structure to this work and allows for the greater involvement of other officers to ensure that targets continue to be met.

- 3.3 It is nearing three years since the Local Enforcement Plan was last reviewed. The need to review the Plan over the next review period (January – June 2025) presents an opportunity to look at how enforcement work is handled and monitored. Whilst the timeframes for carrying out investigations is considered to work well, it is considered that there is greater opportunity for identifying and monitoring the different types of planning breaches, formal enforcement action taken year on year and time taken to resolve complaints when planning breaches are founded.
- 3.4 As part of the continued transformation of the service, opportunities also exist to make better use of templates, system automation and to enable more Enterprise tasks, which will lead to efficiency savings and ensure that officer time is used even more productively.
- 3.5 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 the effectiveness of the Council's planning enforcement function based on the current Local Enforcement Plan and any future document.

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:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
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 and reporting on the targets set in the Local Enforcement Plan enables officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. Performance is currently high, indicating that the service is appropriately resourced at this time.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes No

Details:

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., "the Public Sector Equality Duty").

The Local Enforcement Plan seeks to ensure the effective enforce breaches of planning control in the wider public interest. It does not discriminate on any specific individuals, in terms of the targets set. The protected characteristics of a person(s) would be a relevant consideration when deciding what action should be taken on individual cases and any recipient of such action would be able to exercise their right to appeal. This does not form part of the monitoring requirements of the Local Enforcement Plan.

Environment Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

Effective planning enforcement helps to ensure that the environmental impact of development is not set aside or given due consideration. The taking of enforcement action can remedy harm or ensure that it is offset / outweighed by other benefits. Effective service delivery helps to achieve this objective.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing
Providing excellent services and protecting the quality of life for residents and meeting environmental challenges.

DOCUMENT INFORMATION:

Appendix No	Title
n/a	

Background Papers
<i>(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 Executive, you must provide copies of the background papers).</i>
n/a