

Bolsover District Council

Meeting of the Planning Committee on 9th July 2025

6 Monthly Enforcement Report: January 2025 – June 2025

Report of the Development Management and Land Charges Manager

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) May 2022 from 1st January 2025 – 30th June 2025, as well as provide an update on ongoing historic cases.

REPORT DETAILS

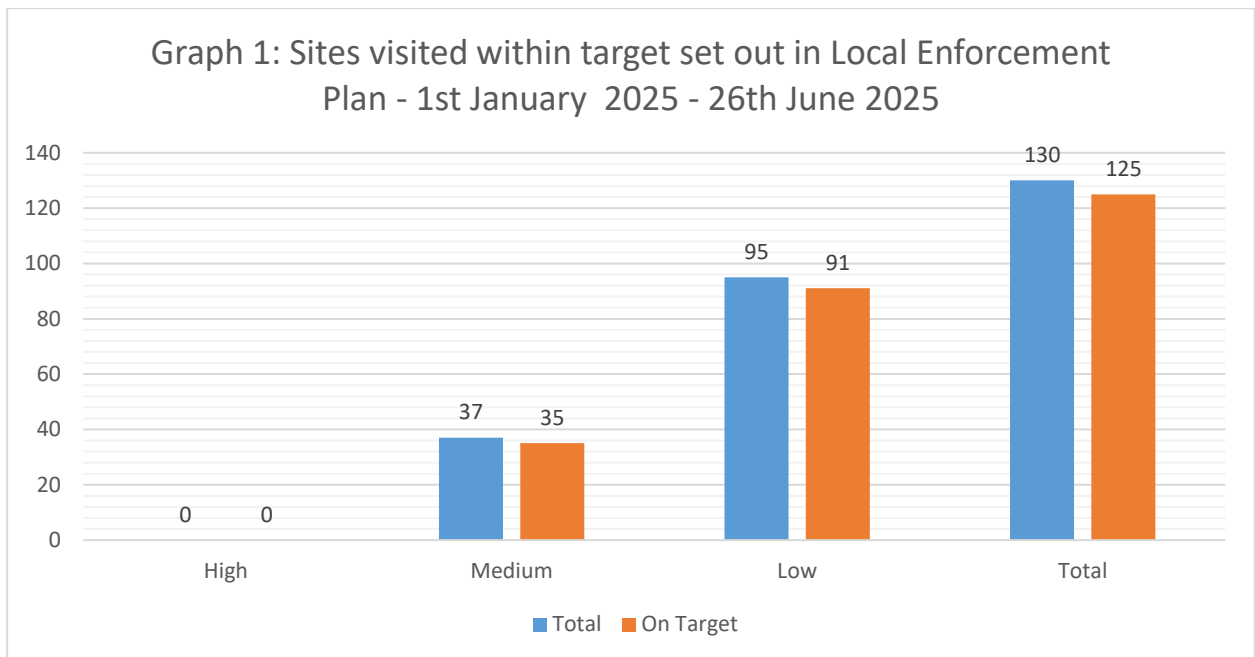
1. Background

- 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 timely decision making, making the best use of the resources available to the department.
- 1.3 The purpose of this report is to update planning committee members on the enforcement enquiries that have been received and progressed during the period January 2025 – June 2025 and provide an update on historic cases and formal enforcement action taken.

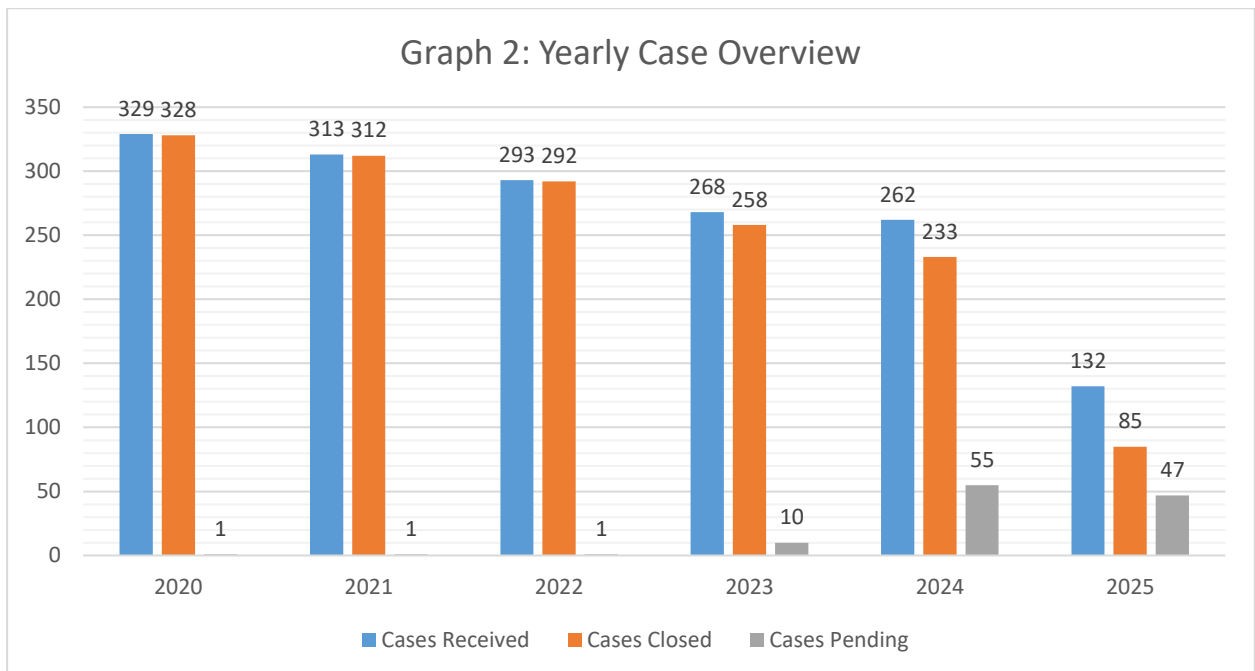
2. Detail of Information on Performance

- 2.1 During the period 1st January 2025 – 30th June 2025, 132 unauthorised activity enquiries were received; up 7% on the previous 6 months review period. None of these enquiries were high priority.
- 2.2 37 medium priority and 95 low priority cases were received. As a total, 96% of cases were visited within the target period set out in the Local Enforcement Plan. This includes recent cases received which have not yet been visited. This represents high performance and is consistent with the previous 6-month reporting period.
- 2.3 Of the 37 medium priority cases, 10 are currently pending consideration and 27 have been resolved / closed. Investigations began on 35 out of the 37 cases within two weeks (95%). Out of the 95 low priority cases, 37 are currently pending consideration and 58 have been resolved / closed. 91 out of the 95 low priority cases (92%) 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 the target based on priority:



2.5 The above statistics highlight very high performance from the services dedicated Enforcement Officer, who currently undertakes visits for all new enquiries received.

2.6 Good progress has also been 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).



- 2.7 Of the sole remaining cases open in the years 2020 and 2022 (E20/014 – Static Caravan, Site Of 11 Hyndley Road, Bolsover and E22/169 - Land South West Beaumont Cottage, Hilcote Lane, Hilcote) Enforcement Notices have been served and, in the case of E22/169, an appeal against the Enforcement Notice is pending consideration. The case in 2021 concerns a matter that has been the subject of a recent planning application that was refused planning permission. The Development Management Team will be looking to take action to regularise the unauthorised development relating to this case in the coming months.
- 2.8 During the review period (January – June 2025) 7 no. enforcement notices have been served. The details of these notices are set out in the table below:

Table 1: Enforcement Notices Served over the review period – January – June 2025

Reference	Location	Type and Date of Notice
E20/014 Low Priority	Static Caravan, Site Of 11 Hyndley Road, Bolsover	Enforcement Notice 07/03/2025
E24/019	69 Scarsdale Street, Carr Vale, Bolsover	Enforcement Notice 28/03/2025
E24/039 Low Priority	Bondhay Golf and Country Club, Bondhay Lane, Whitwell Common	Enforcement Notice 12/06/25
E24/130 Low Priority	6 - 8 King Edward Street, Shirebrook, Mansfield	Enforcement Notice 23/04/2025
E23/152 Medium Priority	22 Mill Street, Clowne	Enforcement Notice 18/06/25
E24/152 Medium Priority	3 Park Street, Barlborough	Enforcement Notice 15.01.2025
E24/179 Low Priority	Land North Of 14 To 36, Harvester Way, Clowne	Enforcement Notice 27/06/2025

- 2.9 The above table indicates high performance in respect of formal planning enforcement action taken over the review period.
- 2.10 Over the review period an appeal decision which upheld, with some minor modifications an Enforcement Notice issued in respect of case ref. E21/258 at land south of Pasture Lane, Hilcote, Alfreton has been received. This decision is reported in the 6 monthly appeal update report, which forms a separate item on this agenda.

3. Reasons for Recommendation

- 3.1 Officer's consider that the Local Enforcement Plan continues to be working well. As 3 years have passed since the last review of the plan, it will be necessary to conduct a further review to ensure that best practice is followed and reference is given to the most up to date legislation and enforcement powers introduced in The Levelling-up and Regeneration Act 2023 (LURA). The targets contained within the current document, insofar as they relate to the speed of investigation and resolution of enforcement enquiries are delivering an efficient and effective service.
- 3.2 The planning enforcement service has performed well against the standards set within the Local Enforcement Plan over the review period, with regard to both promptly visiting sites where planning breaches have been reported to the Council and resolving cases. The use of Enterprise tasks to manage workflow has provided 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 As part of the continued transformation of the service, opportunities 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.
- 3.4 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 continue to have appropriate oversight of the effectiveness of the Council's planning enforcement function. It is also recommended that a review of the current Local Enforcement Plan is undertaken to ensure that it remains fit for purpose, with any update or new plan to be presented to Planning Committee before the next half yearly enforcement report.

4. Alternative Options and Reasons for Rejection

- 4.1 By not reporting on performance, members of the planning Committee would not have any understanding or oversight of the planning enforcement service and its effectiveness.
- 4.2 It could be determined that it is not necessary to update or review the Local Enforcement Plan, however, this would not allow a review of current and best practice and for the plan to reflect and respond to new enforcement powers and legislation.

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 and that a review of the current Local Enforcement Plan is undertaken to ensure that it remains fit for

purpose, with any update or new plan to be presented to a future Planning Committee.

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 a case is still pending consideration, property addresses have not been provided 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 enforcement of breaches of planning control in the wider public interest. It does not discriminate against 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:

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.

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.

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:

Yes ☐ No ☒

(a) ☐ (b) ☐

(a) ☐ (b) ☐

All ☒

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> 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> Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> 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"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Yes <input type="checkbox"/> No <input checked="" 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