

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 2 July 2022 – September 2022 Inclusive

#### Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 2 of the last reporting period 2022/2023 (July 2022 – September 2022). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

#### Overall number of Planning Enforcement service requests Quarter 2:

July	2022	82
August	2022	86
September	2022	89

Total number of requests for service Quarter 2 2022/23 **257**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 2 (22/23)	257	131	126

#### Enforcement Statistics, Year on Year

Year (Calendar)	Enforcement Notices Served	Ranking ( of 336 Authorities)
2018	13	78
2019	21	41
2020	19	22
2021	59	7

The service has made good progress progressing formal enforcement actions and this is reflected on the table above which shows an increase year on year, particularly from 2020 when a second planning enforcement officer post was created which has given the service much needed extra capacity and the resilience to respond and deal effectively with breaches of planning control.

On November 10<sup>th</sup>, the Government published the latest planning enforcement statistics for the year to the end of June 2022. Regarding the number of enforcement notices served, Barnsley currently ranks joint 13<sup>th</sup> Nationally and joint 4<sup>th</sup> outside of London. With reference to Temporary Stop Notices served, Barnsley is ranked joint 2<sup>nd</sup> nationally and joint highest in terms of Local Authorities outside London. Indeed, during that period, Barnsley served 29% of all Stop Notices and Temporary Stop Notices in the Yorkshire and Humber Region.

The service has a triage system to assess and prioritise complaints in order of the seriousness of the harm being caused so that the resources of the service can be deployed in the most effective way. This approach has included filtering out low priority cases at an early stage to allow officers

to invest time and resources resolving more difficult or complex cases. It has also enabled complaints where no breach of planning control has been identified (i.e., neighbour disputes or civil matters) to be resolved at the earliest point of contact.

Most cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other cases can take several weeks to resolve as they may require interventions by the Council and work with a variety of stakeholders including the submission of retrospective planning applications to be considered.

The service will also take swift and robust enforcement action to address breaches of planning control which are harmful and unacceptable. This can include ceasing works on site through the service of stop notices or preventing activities taking place at certain times of the day.

### **Summary of Case Activity**

#### **(a) Issuing of Formal Notices** (displayed in order of date issued)

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Details of Service/Appeal</u></b>
<p>2022\ENQ\00239</p> <p>Land at Lund Hill Lane, Royston, Barnsley, S71 4BD otherwise known as Monckton Colliery Site, Lund Hill Lane, Royston, Barnsley, S71 4BD.</p>	<p>Without planning permission, the material change of use of the Land for the importation and storage of construction and other waste materials (The Unauthorised Works).</p>	<p>Enforcement notice served 1<sup>st</sup> July 2022 requiring:</p> <p>(i) Cease the unauthorised use specified.</p> <p>(ii) Remove all waste materials relating to the breach of planning specified in paragraph 3 from the Land.</p> <p>(iii) Restore the Land to its previous condition, prior to the breach of planning control taking place.</p> <p>Notice Effective 1<sup>st</sup> August 2022</p> <p>Time period for compliance 3 Months</p> <p>Appeal submitted</p> <p>Status: Awaiting Determination of Appeal</p>

<p>2022\ENQ\00305</p> <p>Land associated with 433 Rotherham Road, Smithies, Barnsley, S71 1UX</p>	<p>Without planning permission: The material change of use of the Land for the mixed use for residential purposes and for the commercial or non-domestic operation of a swimming Pool.</p>	<p>Enforcement Notice served 14<sup>th</sup> July 2022 requiring:</p> <p>(i) i) Cease the commercial or none-domestic use of the swimming pool. Ensuring the pool is only used incidental to the enjoyment of the dwelling house and for no commercial or hire purposes.</p> <p>Effective 18<sup>th</sup> August 2022.</p> <p>Time period for compliance One Month</p> <p>Status: Notice complied with and commercial bookings have ceased.</p>
<p>2022\ENQ\00177</p> <p>Land on the West side of Sandybridge Lane, Shafton, Barnsley, S72 8PL</p>	<p>Without planning permission, the material change of use of the Land for:</p> <p>i. The siting of caravans for human habitation with associated infrastructure (as marked in Appendix 1).</p> <p>ii. Importation of a skip and a shipping container (as marked in Appendix 1)</p> <p>iii. The storage of vehicles (as marked in Appendix 1) as well as other miscellaneous items and general detritus</p> <p>iv. The erection of outbuildings (as marked in Appendix 1)</p> <p>v. The erection of gates, walls, and fences (as marked in Appendix 1) materials and vehicles.</p>	<p>Enforcement Notice served 21<sup>st</sup> July 2022 requiring:</p> <p>(i) Cease the unauthorised use described in paragraph 3</p> <p>(ii) Remove from the land all caravans and vehicles</p> <p>(iii) Remove from the land all walls and fences and gates on the land</p> <p>(iv) Remove from the land all materials, items</p> <p>Effective: 20<sup>th</sup> August</p> <p>Time Period for compliance: 8 Months</p> <p>Status: Still within compliance period, monitoring</p>

<p>2020\ENQ\00458</p> <p>Land on the East side of Sandybridge Lane, Shafton, Barnsley, S72 8PL</p> <p>Otherwise known as "The Ranch Stables" Sandybridge Lane, Shafton, Barnsley, S72 8PL</p>	<p>Without planning permission, the material change of use of the Land for:</p> <p>i. The siting of two static caravans for human habitation.</p> <p>ii. siting of a horsebox, the erection of stable blocks, the erection of outbuildings and the use of land for an equestrian paddock.</p> <p>iii. The use of the land for "The Ranch Stables" with associated storage of materials, vehicles and animals</p>	<p>Enforcement Notice served 13<sup>th</sup> May 2022 requiring:</p> <p>((i) Cease the unauthorised activity specified in paragraph 3 (i-iii) at the Land.</p> <p>(ii) Remove all unauthorised materials specified in paragraph 3 (i-iii) from the Land; restoring it to its previous condition, prior the breach of planning control taking place.</p> <p>Effective 13<sup>th</sup> May 2022</p> <p>Time period for compliance: 6 months</p> <p>Status: Still within compliance period, monitoring</p>
<p>2021\ENQ\00186</p> <p>348 Barugh Green Road, Barugh Green, Barnsley, S75 1HH</p>	<p>Without planning permission, the erection of an outbuilding with external staircase.</p>	<p>Enforcement Notice served 24<sup>th</sup> August 2022 requiring:</p> <p>(i) Demolish the unauthorised outbuilding as specified in paragraph 3, removing all associated waste from the Land.</p> <p>OR</p> <p>(ii) Carry out remedial works to the unauthorised outbuilding, ensuring that the external staircase is removed and that the structure specified in paragraph 3 is no more than 2.5 metres in height.</p> <p>Effective 23<sup>rd</sup> September 2022</p>

		<p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period</p>
<p>2022\ENQ\00386</p> <p>Land adjacent to All Hallows Church, Church Lane, High Hoyland, Barnsley, S75 4BJ</p>	<p>Without planning permission:  The material change of use of the Land for the siting of caravans, for human habitation ('The Unauthorised Works').</p>	<p>Enforcement Notice served 6<sup>th</sup> September 2022 requiring:</p> <p>(i) Cease the residential occupation of the caravan for human habitation purposes and remove the caravan from the.</p> <p>Time period for compliance: 4 Months</p> <p>Status: Still within compliance period</p>
<p>2020\ENQ\00020</p> <p>9 Clifton Road, Grimethorpe, Barnsley, S72 7EP</p>	<p>Without planning permission, the material change of use of the land and buildings from a residential dwellinghouse (C3 use class) to one of a house in multiple occupation (C4 use class). ("The Unauthorised use").</p>	<p>Listed Building/Enforcement Notice served 13<sup>th</sup> September 2022</p> <p>(Cease the unauthorised use of the Land as a house in multiple occupation (C4 use class) .</p> <p>(ii) Restore the dwelling to its previous condition prior to the change of use taking place; including the restoration of the previous configuration of internal rooms and other domestic facilities.</p> <p>Effective 14<sup>th</sup> October2022</p> <p>Time period for compliance: Four Months</p> <p>Status: Still within compliance period</p>

<p>2022\ENQ\00337</p> <p>Land adjacent to Larford House, Hand Lane, Crane Moor, Sheffield, S35 7ER</p>	<p>Without planning permission; The material change of use of the Land to use for residential purposes incidental to the dwellinghouse.</p>	<p>Enforcement Notice served 14<sup>th</sup> September 2022 requiring:</p> <p>i) Cease the use of the Land for residential purposes incidental to the dwellinghouse</p> <p>(ii) Remove any personal effects and item related to residential use from the Land</p> <p>(iii) Restore the Land and its boundaries to their original condition before the breach of planning control took place.</p> <p>Effective: 14<sup>th</sup> October 2022</p> <p>Time for compliance: Two Months,</p> <p>Status: Still within Compliance Period</p>
<p>2022\ENQ\00250</p> <p>(X2 Enforcement Notices)</p> <p>41 Broomhead Road, Wombwell, Barnsley, S73 0SA</p>	<p>Without planning permission; The material change of use of the Land to a mixed use comprising of; a residential dwellinghouse (C3 use class) and use of a garden outbuilding for holiday accommodation or separate occupation not incidental to the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley (the accommodation also described as a Sunrise Garden).</p>	<p>Enforcement Notice issued 30<sup>th</sup> September 2022 requiring:</p> <p>i) Cease the unauthorised use of the garden outbuilding for holiday occupation or for separate occupation, not incidental to the occupation of the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley.</p> <p>Effective 31<sup>st</sup> October 2022</p> <p>Time period for compliance: Three Months</p> <p>Status: Appeal commenced</p>

	<p>The unauthorised construction of a rear extension to the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley, S73 0SA</p> <p>The construction of a rear garden boundary wall which exceeds 2 metres in height.</p>	<p>Enforcement notice issued 30<sup>th</sup> September 2022</p> <p>(i) Demolish the development described in Paragraph 3.1 to this notice</p> <p>(ii) Remove all waste materials from the Land as a result of complying with Paragraph 5.1 (i).</p> <p>5.2 In relation to the breach in paragraph 3.2 of this notice either;</p> <p>(i) Demolish the boundary wall, or</p> <p>(ii) Reduce the height of the boundary wall to a height not exceeding 2 metres measured from the adjoining ground level</p> <p>(iii) Remove all waste materials from the Land as a result of complying with Paragraph 5.2 (i) and (ii).</p> <p>Effective 30<sup>th</sup> October 2022</p> <p>Details still within compliance period</p>
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<p>2022\ENQ\00276</p> <p>Land to the West side of Clayton Lane, Thurnscoe, Rotherham, S63 0BG</p>	<p>The breach of planning control is the unauthorised change of use of agricultural land for the purposes of the importation of waste material to form an access road to facilitate the stationing of caravans, containers and the storage of vehicles with associated materials</p>	<p>Temporary Stop Notice issued 24th June 2022 requiring all works to cease.</p> <p>Further Legal action being sought.</p>
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**(b) S215 Untidy Land and Buildings Action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>S215 Notice Details</u></b>	<b><u>Details of Service/Appeal</u></b>
<p>91 Pye Avenue, Mapplewell Barnsley, S75 6AG</p>	<p>Clearance &amp; maintenance of of Land</p>	<p>7<sup>th</sup> July 2022</p>
<p>52 Wood Lane, Carlton, Barnsley, S71 3JJ</p>	<p>Clearance &amp; maintenance of of Land</p>	<p>7<sup>th</sup> July 2022</p>



**(c) Legal action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Case Details</u></b>	<b><u>Prosecution Status</u></b>
2020\ENQ\00202  27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ	Non-compliance with S215 Notice	Court Hearing: September 2022  Magistrates adjourned hearing until 26 <sup>th</sup> January 2023 to allow property owner to complete remedial works. Court will review progress thereafter and council officers to visit property prior to court hearing.
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing August 2022, interim injunction granted to prevent further works to the land and for the use of the land to cease.  Status: ongoing subject to challenge, next court hearing 26 <sup>th</sup> January 2023

**(d) Enforcement Appeals**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Appeal Decision</u></b>
2021/ENQ/00354  APP/R4408/F/22/3294269  Lemon Tree, 5 Peel Square, Barnsley, S70 2QT	Unauthorised works to a Listed Building	Appeal Decision issued 11 <sup>th</sup> July 2022  Appeal dismissed  “The current signage has an appreciably greater harmful impact on the character, special interest and significance of the listed building than the previous signage. Overall, for the

		reasons given above I find that individually and cumulatively the unauthorised works have had an adverse effect on the special interest and significance of the listed building.
2021/ENQ/00615 APP/R4408/C/22/3295994 Elsecar Cricket Club The Pavilion, Armroyd Lane, Elsecar, S74 8ES	Without planning permission; the material change of use of the Land for the purposes of stationing storage containers used to accommodate a snack bar and shop.	Appeal Decision issued 12 <sup>th</sup> July 2012  Appeal Allowed

**Compliance Monitoring**

Enforcement Notices served 2022/23 (year to date)	Enforcement Notices Complied with 2022/23
44	23

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

**Timescales for Determination of Appeals**

The Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for matters considered under the informal hearing and public inquiry procedure. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals. The information above shows that increasing numbers of appeals have been moving through the system with several appeal decisions now received. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress.

**Website and customer contact improvements**

Recent improvements have been made to the council’s website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables us to identify the specifics of the complaint more easily and includes the ability for

customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>

### **Conclusion**

Quarter 2 of 22/23 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service now ranks 4<sup>th</sup> highest nationally (excluding London Authorities) in terms of formal actions taken to ensure effective enforcement. The service has issued 63 enforcement notices in the last financial year (2021/22) and will seek to continue to work with elected members and local communities to achieve the desired outcomes. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

Please contact the service through the details provided below should you wish to make further enquires in respect of specific cases.

**Email:** [Planningenforcement@barnsley.gov.uk](mailto:Planningenforcement@barnsley.gov.uk)

**Customer Services 01226 773555**