

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October 2022 – December 2022 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 of the last reporting period 2022/2023 (October 2022 – December 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 3:

October	2022	70
November	2022	61
December	2022	49

Total number of requests for service Quarter 3 2022/23 **180**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (22/23)	180	119	61

A comprehensive update and benchmarking against other local authorities was provided in the QTR 2 (July-Sep 22/23) report to planning board in January. This latest report brings planning board up to date on formal actions taken in QTR 3 and the details of cases with formal actions are outlined below.

Summary of Case Activity

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

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
2021\ENQ\0454 Land lying to the South and East of Ladywood Road, Grimethorpe, Barnsley, S75	Without planning permission: The material change of use of the Land for the siting and use of a caravan for human habitation.(The Unauthorised Works).	Enforcement notice served 4 th October 2022 requiring: (Cease the use of the Land described in paragraph 3 (i-ii) of this notice Remove the caravan along with any associated items from the Land.

		<p>Notice Effective 4th November 2022</p> <p>Time period for compliance 3 Months</p> <p>Appeal submitted</p> <p>Status: Awaiting Determination of Appeal</p>
<p>2022\ENQ\00432</p> <p>Land off Birk Avenue, Kendray, Barnsley, S70 3AH (“the Land”)</p>	<p>Development has now commenced on the Land without complying with condition 12 which was attached to both of the planning permissions Ref 2020/0196 and Ref: 2021/1545 (the “Planning Permissions”)</p> <p>Condition 12 was in the following terms;</p> <p>“No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.</p>	<p>Enforcement Notice served 17th October requiring:</p> <p>(i) Comply in full with Condition 12 of the planning permission.</p> <p>Effective 18th November 2022.</p> <p>Time period for compliance One Week</p> <p>Status: Site Monitoring taken place; Notice complied with</p>
<p>2022\ENQ\00133</p> <p>Land to the south of Halifax Road, Penistone, Barnsley S36 7EY, otherwise known as Penning Ridge, Halifax Road, Penistone, Barnsley, S36 7EY</p> <p>Without Planning Permission: The contravention of Condition 28 of the Grant of Planning Permission in respect of application 2020/0274 (The</p>	<p>The Local Planning Authority has evidence that BDW Trading Ltd are allowing the delivery of construction materials to be unloaded at the site entrance which is blocking vehicular access to the site. As a result, this working practice is not in line with the agreed Construction & Environment Management</p>	<p>Enforcement Notice served 20th October 2022 requiring:</p> <p>Ensure that all deliveries to site are unloaded in accordance with the agreed Construction & Environment Management Plan relating to condition 28 of the Grant of Planning Permission (Reference 2020/0274).</p>

<p>Unauthorised Works).</p>	<p>Plan.</p> <p>Furthermore, Barnsley Council are in receipt of complaints that mud, and earth is regularly being deposited on the highway as a result of the Unauthorised Works. The Local Planning Authority is concerned that activity on site is continuing in the absence of the correct mitigation measures with the working practice being pursuant to the agreed Construction & Environment Management Plan.</p>	<p>Ensure that all mitigation measures are in place with regards to mud and earth being deposited on the highway; in conjunction with condition 28 of the Grant of Planning Permission (Reference 2020/0274) and the agreed Construction & Environment Management Plan.</p> <p>Comply with condition 28 in all other respects. Effective: 20th November 2022</p> <p>Time Period for compliance: 3 Days</p> <p>Status: Site Monitoring taken place; Notice complied with</p>
<p>2022\ENQ\00199</p> <p>75 Brierley Road, Grimethorpe, Barnsley, S72 7EL (“the Land”)</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>Enforcement Notice served 31st October 2022 requiring:</p> <p>Cease the unauthorised use of the Land as a house in multiple occupation (C4 use class).</p> <p>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 30th November 2022</p> <p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period</p>

<p>2022\ENQ\00228</p> <p>39 The Arcade, Barnsley, S70 2QP (“the Land”)</p>	<p>Without Planning Permission, the execution of development comprising the removal of the original 1920’s metal framed shopfront, with associated internal alterations including a change to the position of the shop unit threshold, and removal of the original inlaid terrazzo floor to a building located within a Conservation Area and the replacement of the shopfront with an inappropriate shopfront as illustrated in photos 1 and 2 attached hereto. (The Unauthorised Works).</p>	<p>Enforcement Notice served 4th November 2022 requiring:</p> <p>(i) Restore the shopfront and the land to its original condition, prior to the breach of Planning Permission taking place</p> <p>Time period for compliance: 2 Months</p> <p>Effective 4th December 2022</p> <p>Status: Still within compliance period</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
<p>2022/ENQ/00360</p> <p><u>2</u> Pollitt Street, Barnsley</p>	<p>Clearance & maintenance of of Land – Dilapidated Garages</p>	<p>11th December 2022</p> <p>12 weeks to improve or demolish the garages</p>
<p>2022/ENQ/00346</p> <p>46 Foster Street Stairfoot</p>	<p>Clearance and Maintenance of Land and Property</p>	<p>9th December 2022</p> <p>Two Months to comply</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
<p>2020\ENQ\00202</p> <p>27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ</p>	<p>Non-compliance with S215 Notice</p>	<p>Court Hearing: September 2022</p> <p>Magistrates adjourned hearing until 23rd February 2023 to allow property owner to complete remedial works. Court will review progress thereafter and council officers to visit property prior to court</p>

		hearing.
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing 26 th January 2023, interim injunction granted to prevent further works to the land and for the use of the land to cease. Status: injunction granted pending planning appeal determination

(d) Enforcement Appeals

Case Reference & Location	Breach of Planning Control	Appeal Decision
APP/R4408/C/20/3258711 Land to the rear of 1 Pleasant View Street, Barnsley S71 1BF (formerly known as 2 - 44 Pleasant View Street, Smithies, Barnsley S71 1QW)	The breach of planning control as alleged in the notice is: Without planning permission the material change of use of land for the siting of a static mobile home for human habitation and the carrying out of operational development comprising of the construction of hardstanding, walls to provide bays for the mobile home ('The Unauthorised Works').	Appeal Decision Issued 7 th October 2022 Appeal dismissed The material change of use is inappropriate development which has resulted in harm to openness and the encroachment of residential development into the Green Belt. In accordance with paragraph 148 of the Framework I attach substantial weight to the harm to the Green Belt. The development has also caused harm to the character and appearance of the countryside and I attach limited weight to that harm on account of the localised and relatively concealed nature of the impact. Overall, the development is contrary to the policies of the development plan with respect to the Green Belt, character of the area and the provision of sites for Gypsies and Travellers.

<p>2021/ENQ/00354</p> <p>APP/R4408/C/22/3302325</p> <p>Dance Lane Farm, Dance Lane, Crane Moor, Sheffield S35 7AW</p>	<p>The breach of planning control as alleged in the notice is without planning permission; The material change of use of the Land to a mixed use for agriculture and as holiday accommodation (the accommodation also described as a Shepherd's Hut).</p>	<p>Appeal Decision issued 6th December 2022</p> <p>Appeal dismissed</p> <p>“The development is inappropriate development in the Green Belt. This is harmful by definition and to which I attach substantial weight. The development would reduce the Green Belt’s openness, which gives rise to additional harm, and it does not assist in safeguarding the countryside from encroachment. The substantial harm renders the development contrary to the requirements of the Council’s Development Plan policies and in conflict with the Framework.</p>

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 3 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 4th 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

Customer Services 01226 773555