

Planning Enforcement Report to Planning Regulatory Board

Quarter 4 January – March 2023 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 4 of the last reporting period 2022/2023 (January 2023 – March 2023). 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 4:

January	2023	40
February	2023	36
March	2023	46

Total number of requests for service Quarter 4 2022/23 **122**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 4 (22/23)	122	79	43

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 4 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>
2023\ENQ\0013 30 Fullshaw Bank, Penistone, S36 6GB	Without planning permission, the material of change of use of the Land to a mixed use of a dwellinghouse and a cat breeding business (use classes C3, and Sui Generis).	Enforcement notice served 12 th January 2023 requiring: (i) Cease the unauthorised use of the Land as a cat breeding business (ii) Remove from the Land all cages and any other items associated with the

		<p>unauthorised use of the Land, as a cat breeding business.</p> <p>Notice Effective 11th February 2023</p> <p>Time period for compliance 3 Months</p> <p>Status: Notice complied with - resolved</p>
<p>2023\ENQ\0005</p> <p>Darley Cliff Hall, Kingwell Road, Worsbrough, Barnsley, S70 4AG</p>	<p>The carrying out of any further works on the Land consisting of;</p> <ul style="list-style-type: none"> i. excavation of soil ii. earthmoving iii. the construction of a retaining wall. 	<p>Temporary Stop Notice Issued 12th January 2023 requiring all works to cease</p> <p>Notice complied with</p>
<p>2020\ENQ\00385</p> <p>Land on the North side of Holly Bush Drive, Thurnscoe, Rotherham, S63 0LU otherwise known as Railway House, Holly Bush Drive, Thurnscoe, Rotherham, S63 0LU</p>	<p>Without planning permission, the material change of use of the Land for the:</p> <ul style="list-style-type: none"> (i) storage of a caravan (ii) importation and storage of building materials (iii) the storage of vehicles (iv) importation, and storage of wood, metal, tyres, plastic, and other materials. 	<p>Enforcement Notice served 13th January 2023 requiring:</p> <ul style="list-style-type: none"> (i) Cease the unauthorised use of the Land specified (ii) (Remove all unauthorised items materials and vehicles specified from the Land; restoring it to its previous condition, prior the breach of planning control taking place. (iii) cultivate the Land by adding topsoil and spreading with agricultural grass seed. <p>Effective 12th February 2023.</p> <p>Time period for compliance Seven Months</p>

		Status: Site Monitoring taking place, still within compliance period.
2023\ENQ\00070 Land lying to the East of Silkstone Lane	Without planning permission; The material change of use of the Land to a mixed use for agriculture and as a base for an enclosed pet exercise and play area..	<p>Enforcement Notice served 3rd March 2023 requiring:</p> <ul style="list-style-type: none"> (i) Cease the unauthorised change of use relating to the enclosed dog exercise enclosure at the Land and ensure that the only dogs present at the site are those registered to the landowners and their respective tenants. No further dogs should attend the site for any other purposes. (ii) Remove any items associated with the unauthorised change of use cited in Paragraph 3. (iii) Restore the land to its previous condition prior to any breach of planning control taking place. <p>Time Period for compliance: One Month</p> <p>Status: Site Monitoring taking place;</p>

<p>2023\ENQ\00069</p> <p>Land on the north east side of Mackey Lane, off Barnsley Road, Brierley, Barnsley, S72 9LD</p>	<p>The breach of planning control is the undertaking of operational development including works to the land to alter the profile of the land, works to create a new access, the erection of boundary walls for the purposes of siting stables and caravans.</p>	<p>Temporary Stop Notice issued 16th March 2023 requiring all works to cease</p> <p>Notice complied with</p>
<p>2023\ENQ\00095</p> <p>Land lying to the East of Silverstone Avenue, Cudworth, Barnsley, S72 8LZ (“the Land”)</p>	<p>Without planning permission, the material change of use of the Land for:</p> <ul style="list-style-type: none"> i. The importation and storage of automobiles. ii. The importation, storage and processing of scrap automobile parts and other materials. iii. The operation of an automobile ‘breakers’ scrap parts business. iv. The operation of a waste transfer site. v. The importation and storage of miscellaneous detritus. 	<p>Enforcement Notice served 15th March 2023 requiring:</p> <ul style="list-style-type: none"> i) Cease the unauthorised uses and activity specified in paragraph 3 (i-v) at the Land. ii) Remove all unauthorised materials specified in paragraph 3 (i-v) from the Land; restoring it to its previous condition, prior the breach of planning control taking place. iii) Cultivate the parcel of land edged red and hatched green on the attached plan marked “EN1” with topsoil and spread agricultural grass seed.. <p>Effective 15th April 2023</p> <p>Time period for compliance; Six Months</p> <p>Status: Still within compliance period</p>

(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
2022-ENQ-00027 Thurnscoe Hotel, Houghton Road, Thurnscoe S63 0JX	Clearance & maintenance of of Land – Dilapidated Demolition Required	10 th February 2023 3 months for demolition of the Building Phone masts now removed and preparation for demolition of building taking place
2022\ENQ\00043 Sammies Bar 37 Wombwell Road, Platts Common, Barnsley	Clearance & maintenance of of Land	24th February 2023 3 Months to improve/maintain land
2022\ENQ\00408 28 Old Mill Lane, Barnsley, S70 2LB	Clearance & maintenance of of Land	26 th February 2023 4 weeks to improve/maintain land
37 Canberra Rise, Bolton on Dearne, S63 8DN	Clearance & maintenance of of Land	14 th March Six weeks to improve/maintain land

(c) Legal action

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

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

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
<p>APP/R4408/C/22/3304164</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>The breach of planning control as alleged in the notice is the material change of use of the Land for the importation and storage of construction and other waste materials (the Unauthorised Works).</p>	<p>Appeal Decision Issued 20th February 2023</p> <p>Appeal dismissed</p> <p>Furthermore, there is clear evidence from the Council that the alleged breach has occurred. This includes the complaints received, detailed photographic evidence taken by complainants showing large piles of construction and waste materials across parts of the site and aerial photographs which show how materials have accumulated on parts of the site since May 2019.</p> <p>The aerial photographs also appear to show vehicle tracks from the main vehicular access across the site to the area where materials have been deposited in the northern area of the Land in question. It is also my understanding the enforcement action has been taken following investigations including a multi-agency meeting between the Council, The Environment Agency, South Yorkshire Fire and</p>

		<p>Rescue and South Yorkshire Police.</p> <p>Therefore, in the absence of clear evidence and based on the information before me and my own site observations, construction and other waste materials have been</p> <p>Time period for compliance 8 Months (from 20th Feb 2023)</p>
<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	26

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 4 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