

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 1 April – June 2023 Inclusive

#### Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 of the last reporting period 2023/2024 (April 2023 – June 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 1:

April	2023	48
May	2023	55
June	2023	62

Total number of requests for service Quarter 1 2023/24 **165**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 1 (23/34)	165	98	67

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 1 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)

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Details of Service/Appeal</u></b>
2023\ENQ\00113  Former garage site, Martin Croft, Silkstone, Barnsley	The permission granted by the Council on 14th July 2020 (ref: 2020/0634) for Residential development of 4 no. dwellings.	Non-compliance with condition 3 (Tree Protection)  Reinstate Banking (28 days)  10 new standard trees (Girth of 10 to 12cm) comprising 3 Limes (Tilia cordata), 4 Field Maple (Acer campestre) and 3 Rowan (Sorbus aucuparia)

		<p>shall be planted and affixed (with flexible tree ties) to a tanalised tree stake (minimum diameter 75mm) at a height of no more than 1m above ground level within the reinstated banking.</p> <p>Notice dated 25<sup>th</sup> May 2023</p> <p>Trees to be planted in next planting season (October 2023 onwards).</p> <p>Status - Monitoring site</p>
<p>2022\ENQ\00276</p> <p>Land to the West of Clayton Lane, Thurscoe, Rotherham, S63 0BG</p>	<p>3(i) The undertaking of Operational Development comprising the creation of a hard surface (shown hatched green on Appendix 1), as well as the erection of fences (shown edged yellow on Appendix 1) and gates (etched blue on Appendix 1) on the Land.</p> <p>3(ii) The change of use of the land to use for the residential occupation of caravans and the storage of vehicles, timber huts, gas bottles, a shipping container, and other domestic items association with the residential use of the Land (shown in photographs referenced Appendix 2).</p>	<p>Enforcement notice served 5<sup>th</sup> June 2023 requiring:</p> <p>(5.1 In relation to paragraph 3(i) of this notice:</p> <p>(i) Remove the hard surface and the fence and gates from the Land</p> <p>(ii) Remove from the Land any materials or waste arising from the compliance with paragraph 5.1(i) (iii) Restore the Land to its previous condition.</p> <p>5.2 In relation to paragraph 3(ii) of this notice: (iv) Cease the use of the Land for the residential occupation of caravans (v) Remove the caravans and vehicles from the Land (vi) Remove the timber huts, the shipping container, gas bottles and other domestic items from the Land..</p> <p>Notice Effective 6<sup>th</sup> July 2023</p> <p>Time period for compliance Four Months</p> <p>Status: Appeal Lodged</p>

<p>2023\ENQ\00208</p> <p>10 Dearne Close, Wombwell, Barnsley, S73 0ST</p>	<p>Without planning permission, the siting of an outbuilding forward of the principle elevation of a dwellinghouse (marked with a blue arrow on Appendix 1)</p>	<p>Enforcement notice served 8th June 2023 requiring:</p> <p>Remove the outbuilding described in paragraph 3 of this notice and shown in Appendix 1 marked with the blue arrow. (ii) Restore the Land to its previously condition following compliance with paragraph 5(ii)</p> <p>Effective 8<sup>th</sup> July 2023</p> <p>Time period for compliance One Month</p> <p>Status: Notice complied with</p>
<p>2020\ENQ\00293</p> <p>Land on the East side of Cat Hill Lane, Hoylandswaine, S36 7GD</p>	<p>Without planning permission; the carrying out of operational development under S55 Of the Town and Country Planning Act; namely engineering operations including excavations to alter the profile of the land and laying aggregate material.</p>	<p>Enforcement Notice served 16<sup>th</sup> June 2023 requiring:</p> <p>Remove all unauthorised materials in their entirety, ensuring that the land is restored to its original condition before the breach of planning control took place.</p> <p>Status: Notice withdrawn after discussions with the landowner, works are agricultural permitted development and do not require planning permission</p>
<p>2023\ENQ\000207</p> <p>Lewden Spring Fishery, Station Road, Worsbrough, Barnsley, S70 4SZ</p>	<p>Without planning permission:</p> <p>The material change of use of the Land to one of a mixed use comprising of an angling lake and the use of a caravan (shown approximately edged blue in Appendix 1) for human habitation</p>	<p>Enforcement Notice served 23rd June 2023 requiring:</p> <p>Cease the use of the Land for the human habitation of a caravan.</p> <p>Remove the Caravan from the Land.</p> <p>Remove from the Land any items associated with the</p>

		<p>occupation of the Caravan.</p> <p>Effective 25<sup>th</sup> July 2023</p> <p>Time Period for compliance: Three Months</p> <p>Status: still within compliance period</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>
2022-ENQ-000235 37 Canberra Rise, Bolton on Dearne, S63 8DN	Clearance & maintenance of of Land – Dilapidated	14 <sup>th</sup> April 2023 4 weeks to improve/maintain land
2022\ENQ\000421 125 Lindhurst Road, Athersley North, S71 3DG	Clearance & maintenance of of Land	20 <sup>th</sup> May 2023 4 weeks to improve/maintain land
2023\ENQ\00053 28 Cross Street Goldthorpe	Clearance & maintenance of of Land	26 <sup>th</sup> May 2023 4 weeks to improve/maintain land
2023\ENQ\00197 Fmr Salvation Army, Wellington Street, Bamsley	Clearance & maintenance of of Land	24 <sup>th</sup> June 2023 4 weeks to improve/maintain land

**(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 - Trial: 3 <sup>rd</sup> August 2023  The Magistrates found after trial that defendants have no grounds for appeal. They explained to the defendant that the Local Authority are required to act in these circumstances.

		<p>Since 2019 there is no prospect of work completed. The defendant had had ample time to remedy this. The LA have not acted unreasonable in their request under s215 TCPA 1990. <u>The Magistrates ordered the defendant pay the Authority's costs totalling £1268 .</u></p>
<p>Land at Clayton Lane, Thurnscoe, S63 0BG</p>	<p>Unauthorised use of land for residential occupation of caravans</p>	<p>Court hearing 26<sup>th</sup> 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>

**(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>
<p>APP/R4408/C/22/3304164</p> <p>Land at Lund Hill Lane, Royston, Barnsley S71 4BD otherwise known as <b>Monckton Colliery Site</b>, 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 20<sup>th</sup> 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</p>

		<p>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 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 imported.</p> <p>Time period for compliance 8 Months (from 20<sup>th</sup> Feb 2023)</p>
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**Compliance Monitoring**

Enforcement Notices served 2022/23 (year to date)	Enforcement Notices Complied with 2022/23
48	27

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 1 of 23/34 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 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**