

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October – December 2023 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 2023/2024 (October 2023 – December 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 3:

October	2023	50
November	2023	55
December	2023	53

Total number of requests for service Quarter 3 2023/24 **158**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (23/34)	158	88	70

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 2023. 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)

Case Reference & Location	Breach of Planning Control	Details of Service/Appeal
2023\ENQ\00276 Pudding Poke Farm, Hay Green Lane, Birdwell, Barnsley, S70 5XE	Without planning permission: The material change of use of the Land for the siting and use for human habitation of a chalet/Lodge ('The Unauthorised Use').	Notice issued 9 th October 2023 requiring: Cease the use of the Land described in paragraph 3 of this notice and remove the chalet/Lodge along with any associated items from the Land.

		<p>Effective: 13th November 2023</p> <p>Time period for compliance: Four Months</p> <p>Status – Appeal submitted, awaiting determination</p>
<p>2023\ENQ\00069</p> <p>Land on the north-east side of Mackey Lane, Shafton, Barnsley, S72 9LD</p>	<p>Without planning permission, The carrying out of the following development:</p> <p>(i)The use of the Land for the human habitation of Caravans and storage of associated items and vehicles.</p> <p>And</p> <p>(ii)Operational Development comprising of the construction of walls and gates, the laying of aggregate/hardcore, the creation of a new access, and the laying of utility services.</p>	<p>Enforcement notice served 10th October 2023 requiring:</p> <p>(i) Cease the use of the Land for the human habitation of caravans and the storage of associated items and vehicles.</p> <p>Remove from the Land all Caravans and associated stored items and vehicles.</p> <p>Demolish/remove all the Unauthorised Works, described in paragraph 3(ii) of this notice.</p> <p>Remove from the Land any waste or other materials arising from performance the undertaking of works set out at of paragraph 5(iii)</p> <p>Cultivate the Land and sow agricultural grass seed across the site to assimilate the Land back into the wider environment.</p> <p>Notice Effective 2nd December 2023</p> <p>Time period for compliance Three Months</p> <p>Status: Appeal Lodged</p>

<p>2023\ENQ\00308</p> <p>46-48 Windermere Road, Barnsley, S71 1EF</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 12th October 2023 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 internal domestic facilities</p> <p>Effective 12th November 2023</p> <p>Time period for compliance Five Months</p> <p>Status: Monitoring</p>
<p>2023\ENQ\00392</p> <p>131 Dodworth Road, Barnsley, S70 6HL</p>	<p>The unauthorised material change of use of the land and buildings to a house of multiple occupation has taken place in the absence of planning permission, despite a refusal of application number 2021/1437.</p>	<p>Enforcement Notice served 18th October 2023 requiring:</p> <p>Cease the unauthorised use of the Land as a house in multiple occupation.</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 internal domestic facilities.</p> <p>Effective 18th November 2023</p> <p>Time period for compliance Four Months</p> <p>Status: Monitoring</p>

<p>2023\ENQ\000418</p> <p>Land Buildings on the north east side of Barnsley Road, Wombwell, Barnsley, S73 8EP</p>	<p>Without planning permission, The erection of a fence adjacent to the highway exceeding one metre in height as shown in the approximate location, edged blue on Appendix 1. (The Unauthorised Development)</p>	<p>Enforcement Notice served 6th November 2023 requiring:</p> <p>Either:</p> <p>Remove the fence from the Land,</p> <p>OR</p> <p>Reduce the height of the existing fence panels (including gravel boards and pillars) to the panels to a maximum height from ground level of 1 metre.</p> <p>Effective 6th December 2023</p> <p>Time Period for compliance: One Months</p> <p>Status: fence lowered but works remain to be completed.</p>
<p>2023\ENQ\000442</p> <p>Land on the North East side of Hall Close, Worsbrough Road, Worsbrough, Barnsley, S70 5LN and Land on the east side of Hall Close, Worsbrough, Barnsley, S70 5LN (“the Land”)</p>	<p>The vehicular access that has been created adjacent Worsbrough Road and near to the junction with Hall Close, crosses the verge and introduces significant Highway Safety concerns</p>	<p>Enforcement Notice served 28th November 2023 requiring:</p> <p>Remove the hard surface and the access to Worsbrough Road and remove from the Land any material arising from this step.</p> <p>Remove from the Land all materials stored on the Land in connection with the development (shown by the arrows in the photographs to Appendix 1)</p> <p>Reinstate the Land to its previous condition prior to the breach of planning control occurring (as shown in the photographs taken May 2023 attached in Appendix 2) by laying top soil and spreading</p>

		<p>agricultural grass seed at the Land</p> <p>Effective 27th December 2023</p> <p>Time period for compliance: one month</p> <p>Status: Monitoring</p>
<p>2021\ENQ\000411</p> <p>5 Woodroyd Gardens, Wombwell, Barnsley, S73 0HB</p>	<p>Without planning permission, the material of change of use of the Land to a mixed use of a dwellinghouse and as the base for the operation of an engineering business.</p>	<p>Enforcement Notice served 30th November 2023 requiring:</p> <p>Cease the use of the Land as a base for an engineering business</p> <p>Cease all commercial activity on the Land</p> <p>Remove from the Land all vehicles, equipment and materials associated with the use of the Land as a base for an engineering business.</p> <p>Effective 30th December 2023</p> <p>Time period for compliance: 2 months</p> <p>Status: Monitoring</p>
<p>2021\ENQ\00090</p> <p>Land on the North West side of Shaw Lane, Carlton, Barnsley, S71 3HG</p>	<p>3(i) Operational Development comprising of: excavations to alter the profile of the land, importation and deposit of waste materials and the creation of a hard surface (hard surface shown in the photographs in Appendix 1), as well as the erection of fences (shown in Appendix 1) and a gate (also show in 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,</p>	<p>Enforcement Notice served 1st December 2023 requiring:</p> <p>In relation to paragraph 3(i) of this notice:</p> <p>Remove the hard surface and the fence and gates from the Land.</p> <p>Remove from the Land any materials or waste arising from the compliance with paragraph 5.1(i)</p> <p>Restore the Land to its previous profile and condition</p>

	<p>timber huts, gas bottles, children's toys, detritus, and other domestic items association with the residential use of the Land (shown in photographs referenced Appendix 1).</p>	<p>including cultivation with topsoil and the spreading of agricultural grass seed.</p> <p>5.2 In relation to paragraph 3(ii) of this notice:</p> <p>Cease the use of the Land for the residential occupation of caravans.</p> <p>Remove the caravans and vehicles from the Land.</p> <p>Remove the timber huts, children's toys, gas bottles, detritus, and other domestic items from the Land.</p> <p>Effective 31st December 2023</p> <p>Time Period for compliance 3 Months</p> <p>Status; Appeal Lodged</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>2023-ENQ-000365</p> <p>The land known as 24 Sackville Street, Barnsley, S70 2DB (Former Pub)</p>	<p>Clearance & maintenance of Land – Dilapidated</p>	<p>4th October 2023</p> <p>Two Months to Demolish Pub and clear site/remove materials</p>
<p>2023\ENQ\000335</p> <p>The land known as 6 Princess Grove, Pilley, Barnsley, S75 3BG</p>	<p>Clearance & maintenance of Land</p>	<p>30th October 2023</p> <p>4 weeks to improve/maintain land</p>
<p>2023\ENQ\000334</p> <p>The land known as 17 Lundhill Grove, Wombwell, Barnsley, S73 0QZ</p>	<p>Clearance & maintenance of Land</p>	<p>22nd November 2023</p> <p>4 weeks to improve/maintain land</p>
<p>2023\ENQ\00474</p> <p>The land known as 145 Brierley Road, Grimethorpe, Barnsley, S72 7AE</p>	<p>Clearance & maintenance of Land</p>	<p>20th December 2023</p> <p>3 Months to Demolish Buildings and clear/secure land</p>

(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 - Trial: 3 rd 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. 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>
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing August 2023, interim injunction granted to prevent further works to the land and for the use of the land to cease. Status: injunction granted pending enforcement planning appeal determination, further date set February 2024

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
APP/R4408/C/22/3304164 Land at Lund Hill Lane, Royston, Barnsley S71 4BD otherwise known as Monckton Colliery Site , Lund	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	Appeal Decision Issued 20 th February 2023 Appeal dismissed Furthermore, there is clear

<p>Hill Lane, Royston, Barnsley S71 4BD)</p>	<p>Unauthorised Works).</p>	<p>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 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 20th Feb 2023)</p>
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Compliance Monitoring

<p>Enforcement Notices served 2023/24 (year to date, 3 QTRs)</p>	<p>Enforcement Notices Complied with 2023/24</p>
<p>20</p>	<p>8</p>

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/Policy 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. The Planning Enforcement Policy was updated in May 2023 to reflect legislation and service changes. 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 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

Customer Services 01226 773555