

# Planning Enforcement Report to Planning Regulatory Board

## Quarter 1 (April – June 2018)

### Introduction

The Planning Enforcement service is a critical part of ensuring the planning system is regulated, ensuring compliance with National Guidance and the Local Development Plan. The service has been realigned with the Planning Service from April 2018, having previously being located in the Community Safety Service.

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 Period of this reporting year 2018/2019 (April – June 2018). 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 2018	63
May 2018	65
June 2018	82

Total number of requests for service Quarter 1 2018/2019 **210**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 1 2018/19	210	125	85

### Commentary

The majority of cases received by the service are resolved through negotiation and contact with the parties concerned, some cases are also low level or considered technical breaches of planning control where formal action would not be appropriate. 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. Our service policy also seeks to negotiate first with those concerned to allow cases to be resolved at the earliest stage wherever possible.

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 or preventing activities taking place at certain times of the day. Investigations and officer visits can be time consuming and have to be balanced with the available resource. From April 2018 the service has aligned with Planning/Economic Regeneration service in the Place Directorate. Due to staffing changes there is a vacancy for the Planning Enforcement Officer post which is currently advertised for recruitment.

## Summary of case activity

### (a) Issuing of formal notices

360228 Land at Worsbrough Wood Worsbrough Barnsley S71 2LS	Creation of Unauthorised vehicular access points onto Classified Road	Enforcement Notice Issued 22 <sup>nd</sup> Dec 2017 (Appeal Submitted) Awaiting Determination
355804 20 Lyndhurst Bank Penistone Sheffield S36 6ER	Unauthorised engineering operations and construction of detached outbuilding to rear of property	Enforcement Notice Issued 26 <sup>th</sup> Jan 2018 (Appeal Submitted) Awaiting Determination
352494 Gleeson Homes Blyth Street Wombwell S73 8LH	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways  Compliance period expired 26 <sup>th</sup> April 2018 Prosecution file prepared and awaiting court date Due to non-completion of the works	Breach of Condition Notice Issued 26 <sup>th</sup> Feb 2018
352496 Gleeson Homes Elwood Lundwood Barnsley S71 5JF	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways  Compliance period expired 26 <sup>th</sup> April 2018 Prosecution file prepared and awaiting court date Due to non-completion of the works	Breach of Condition Notice Issued 26 <sup>th</sup> Feb 2018
350285 57 Darfield Road Cudworth Barnsley S72 8HF	Development not completed in accordance with approved plans and conditions  Works partially completed, parking spaces required	Enforcement Notice Issued 9 <sup>th</sup> March 2018
361045 Land off Hoyle Mill Lane Thurlstone Sheffield S36 9PZ	Unauthorised change of use of land from agricultural use to purposes for stationing a caravan for security reasons  Caravan removed from land, notice complied with	Enforcement Notice Issued 23 <sup>rd</sup> March 2018

J38 M1 Haigh Huddersfield Road	Unauthorised change of use (agricultural) to road laying contractor site (B1/B8).	Enforcement Notice Issued 20th April 2018 (Appeal Submitted) Awaiting determination
The Woodlands Carr Head Lane Bolton upon Dearne	Non-compliance with Tree Protection Requirements and planting on residential Development (2016/0926)  Works allowed to recommence on site following Tree Remediation Works, further 27 replacement Trees to be replanted from October 2018 as Part of landscaping scheme and mitigation.	Temporary Stop Notice Issued 24 <sup>th</sup> May 2018
Land off Willowbank Barnsley S75 1BN	Importation of significant amounts of material alterations to the profile of the land  Works relating to tipping of soil have ceased Enforcement Notice to be issued to require The material brought onto site to be removed	Temporary Stop Notice Issued 14 <sup>th</sup> June 2018
Land off Worsbrough Rd Worsbrough Barnsley S70 5LN	Continuing works to form highways access onto classified road and laying of hardcore and aggregate, alterations to land levels on land covered by a Tree Preservation Order  Action follows on from enforcement notice Issued in December 2017 and requires any Works to the access points and depositing of material to cease.	Stop Notice Issued 21 <sup>st</sup> June 2018

(b) Legal action

321606 The Cross Inn Summer Lane Royston Barnsley S71 4SE	Non-compliance with Enforcement Notice Failure to remove decking and reinstate Parking area – Beer Garden	S187B Injunction proceedings (Adjourned)  Planning Appeal submitted
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Case details – Enforcement and planning appeals were dismissed by the Planning Inspectorate A revised application to reduce the area of the external drinking area was submitted and subsequently refused at Planning and Regulatory Board (ref: 2017/1196). An appeal has been submitted and is awaiting determination by the Planning Inspectorate.

352494 Gleeson Homes Blyth Street, Wombwell Elwood, Lundwood Lowfield Road, Bolton upon Dearne	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways	Prosecution Action
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Case details – 3 Breach of condition notices were issued by the Council on developments undertaken by Gleeson Homes. The developments were subject to conditions regarding the provision of solid bound materials (tarmac) for manoeuvring facilities including private driveways and turning areas. Breach of condition notice served on 26<sup>th</sup> February 2018 and required compliance by 26<sup>th</sup> April 2018. The works have not been undertaken and prosecution file has been prepared for legal services. Magistrates Court dates are currently awaited for proceedings to commence.

355496 35 Hanbury Close Monk Bretton Barnsley S71 2LA	Non-Compliance with S215 Notice Scaffolding and Building fencing at the property	S215 Untidy Land Notice
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Case details – A S215 untidy land and buildings notice was issued due to scaffolding and building fencing and materials surrounding the residential property for over two years. Prosecution action was taken following the failure to comply with the S215 Notice. Matter was heard at Magistrates Court on 7<sup>th</sup> June 2018, defendant pleaded guilty, imposed a fine of £425, ordered he pay a victim surcharge of £45 and to pay £880 Council costs = £1348 in 28 days.

**Conclusion**

Case numbers have increased from 103 requests for service in Quarter 4 of 2017/18 to 210 in Quarter 1 of 2018/19. Cases continue to be assessed in terms of the severity of harm taking place and are prioritised accordingly. There are a number of ongoing cases with formal and legal actions being prepared which will be issued in due course with the details relayed to elected members in future planning enforcement case updates.