

Planning Enforcement Report to Planning Regulatory Board

Quarter 2 July 2019 – September 2019 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 2 Period of this reporting year 2019/2020 (July – September 2019). 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 2:

July 2019 42

August 2019 48

September 2019 40

Total number of requests for service Quarter 2 2019/2020 **130**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 2 2019/2020	130	54	76

Introduction

The service has a triage system to assess and prioritise complaints in order of the seriousness of the harm being caused so that the resources of the service can be deployed in the most effective way. This approach has included filtering out low priority cases at an early stage to allow officers to invest time and resources resolving more difficult or complex cases. It has also enabled complaints where no breach of planning control has been identified (i.e. neighbour disputes or civil matters) to be resolved at the earliest point of contact.

The majority of cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other 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.

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 through the service of stop notices or preventing activities taking place at certain times of the day.

Summary of Case Activity

(a) Issuing of Formal Notices

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
2018\ENQ\00348 24 Gawber Road, Barnsley, S75 2HY	The insertion of a clear glazed, opening window on the first floor side elevation of the property	Enforcement Notice issued 15 th August 2019. Effective: 18 th September 2019 Time period for compliance one month (18 th October 2019)
2018\ENQ\00552 Land off Midland Road, Royston, Barnsley, S71 4RT	(i) The operation of a crane hire business and; (ii) The outside storage of vehicles (including motorised cranes) plant and equipment and; (iii) The storage and processing of waste including the burning of plastics and dismantling of Upvc windows and other waste materials.	Enforcement Notice and Stop Notice issued 3 rd September 2019. Effective: 7 th September (Stop Notice) Effective: 4 th October 2019 (Enforcement Notice) Time period for compliance one month (4 th November 2019).
2018\ENQ\00556 Heritage Court, North side of School Street, Hemingfield, Barnsley, S73 0HZ	Without planning permission, the contravention of Condition 7 of the Grant of Planning Permission in respect of application 2006/0102 (Hours of operation).	Enforcement Notice issued 16 th July 2019 requiring to cease the commercial use of the office and warehouse outside of the hours of 08.00 to 17.30 Mondays to Fridays, 09.00 to 13.00 on Saturdays and at no time on Sundays or Bank Holidays Effective: 16 th August 2019 Time period for compliance one month (16 th September 2019). Appeal Submitted.

<p>2019\ENQ\00125</p> <p>Land and buildings on the South side of Tankersley Lane, Hoyland Common, Barnsley, S74 0DT,</p>	<p>Without planning permission, the material change of use of land for the storage onto Green Belt land along with the accumulation of glass and rubbish, including fuel containers</p>	<p>Enforcement Notice issued 26th June 2019 requiring:</p> <p>(i) Remove the unauthorised platform restoring the area over the beck to its previous condition before development started</p> <p>(ii) Cease all unauthorised tree works</p> <p>Effective: 28th July 2019</p> <p>Time period for compliance one month (28th August 2019).</p>
<p>2019\ENQ\00412</p> <p>Cawthorne Club, Tivy Dale, Cawthorne, Barnsley S75 4EY</p>	<p>The installation of a raised platform over the beck to create an external drinking and seating area.</p>	<p>Enforcement Notice issued 28th June 2019</p> <p>Effective: 28th July 2019</p> <p>Time period for compliance one month (28th August 2019)</p> <p>Works in default undertaken to remove the structure.</p>
<p>2019\ENQ\00472</p> <p>7 Spa Well Grove, Brierley, Barnsley, S72 9LS</p>	<p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Enforcement Notice issued 19th July 2019 requiring:</p> <p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>(ii) Reduce the height of the existing fence panels (including gravel boards and pillars) that are affecting the neighbouring properties visibility as marked in Appendix 1 to panels which are a maximum of 1 metre</p> <p>Effective: 22nd August 2019</p>

		<p>Time period for compliance: One month (22nd September 2019).</p> <p>Appeal Submitted</p>
<p>2019\ENQ\00505</p> <p>44 High Street, Bolton Upon Dearne, Barnsley S63 8LJ.</p>	<p>Development has taken place pursuant to planning permission ref: 2018/0581 (Demolition of existing garage and erection of detached annexe/garage to rear of dwelling), granted by the Council on 15th August 2018.</p> <p>However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and therefore does not have planning permission.</p>	<p>Enforcement Notice issued Notice issued 4th July 2019.</p> <p>Effective: 6th August 2019</p> <p>Time period for compliance: Two Months (6th October 2019).</p> <p>Appeal Submitted</p>
<p>2019\ENQ\000518</p> <p>36 Southfield Crescent, Thurnscoe, Barnsley, S63 0RR</p>	<p>Without planning permission, the erection of a balcony to the first floor rear elevation of the property</p>	<p>Enforcement Notice issued 30th August 2019 requiring:</p> <p>(i) Remove the unauthorised balcony</p> <p>OR</p> <p>(ii) Install a Juliet balcony by removing the external area outside the balcony doors. Install restraining railings covering the door to prevent external access at a height of at least one metre</p> <p>Effective 30th September 2019</p> <p>Time period for compliance: Two months (30th November 2019).</p>

<p>2019\ENQ\000546</p> <p>204 Darton Lane, Mapplewell, Barnsley, S75 6AH</p>	<p>Without planning permission;</p> <ol style="list-style-type: none"> 1. The erection of a detached building and; 2. The unauthorised change of use of the land to a base for a vehicle recovery business and storage and parking of recovery vehicles 	<p>Enforcement Notice issued 18th September 2019 requiring:</p> <ol style="list-style-type: none"> (i) Demolish the unauthorised breezeblock structure in its entirety, ensuring that the remaining land is restored to its original condition before the breach of planning control took place. (ii) Removal all vehicles and equipment associated with the operation of a vehicle recovery business from the site. <p>Effective 19th October 2019</p> <p>Time period for compliance: Two months (19th December 2019).</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>2019\ENQ\00228</p> <p>Land known as 35 Guest Road, Barnsley, S75 2SR</p>	<ol style="list-style-type: none"> 1. Clear the land of any self-setting shrubs, weeds and brambles 2. Rebuild and reinstate a permanent boundary such as a brick wall similar to what was in situ previously as per photographs A, B & C 3. Remove all rubbish from the garden & to suitably store building material in a tidy manner or in an appropriate storage facility 4. Remove the orange barriers from the curtilage of the dwelling 	<p>S215 Notice issued 2nd September 2019.</p> <p>Effective: 2nd October 2019</p> <p>Time period for compliance two months 2nd November.</p>

<p>2019\ENQ\00611</p> <p>Land at 2,4,6,8 2 New Street, Darfield, Barnsley, S73 9LN</p>	<p>1.The acquisition of a condition survey from a suitably Qualified Surveyor with the intention of executing a comprehensive schedule of works for repair and refurbishment</p> <p>OR</p> <p>2.Demolish the buildings and remove from the Land any rubble and materials arising from the demolition</p>	<p>S215 Notice issued 31st July 2019.</p> <p>Effective: 31st August 2019</p> <p>Time period for compliance two months (31st October 2019).</p>
<p>2019\ENQ\00682</p> <p>52 Gawber Road, Barnsley, S75 2AP</p>	<p>1.Felling of all trees (including self-setters) from the gardens</p> <p>2.Removal of ivy from the external walls</p> <p>3.Cutting back or poisoning of all overgrown vegetation in the gardens</p>	<p>S215 Notice issued 24th September 2019.</p> <p>Effective: 24th October 2019</p> <p>Time period for compliance two weeks (8th October 2019).</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
<p>2019\ENQ\00412</p> <p>Cawthorne Club, Tivy Dale, Cawthorne, Barnsley S75 4EY</p>	<p>Failure to comply with Enforcement Notice dated 28th June 2019</p> <p>Works undertaken in default by contractor to remove the unauthorised platform structure due to non-compliance with the enforcement notice. Costs being recovered from owner.</p>	<p>N/A – works undertaken in default</p>
<p>Worsbrough Wood, Worsbrough Road, Barnsley, S70</p>	<p>Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.</p>	<p>Further enforcement notices under preparation to tackle further planning breaches including the erection of walls and gates, storage of equipment and vehicles and hardstanding.</p>

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
2018/ENQ/00526 Cliffe Lane, Brierley, Barnsley, S72 9HR	Laying of Hardstanding's, walls and block paving for the formation of caravan bays. Enforcement Notice and Stop Notice issued 25 th January 2019	Awaiting start letter from the Planning Inspectorate.
2018/ENQ/00689 Sandybridge Lane, Shafton, Barnsley, S72	Change of use of land for residential occupation of caravans and base for recovery business Enforcement Notice and Stop Notice issued 25 th January 2019	Awaiting decision from Planning Inspectorate.
Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE	Change of use of vacant land to base for a highway contractor, road and maintenance depot. Enforcement Notice issued 20 th April 2018	Awaiting Decision from Planning Inspectorate following site visit undertaken on 4 th October 2019
2019\ENQ\000492 35 George Street, Goldthorpe, Rotherham, S63 9AY	Development not in accordance with the approved plans and conditions granted by the Council. Enforcement Notice issued 7 th June 2019	Appeal notification received, awaiting start letter from the Planning Inspectorate.

<p>2018\ENQ\00558</p> <p>37 Armroyd Lane, Elsecar, Barnsley, S74 8ET</p>	<p>The unauthorised vehicular access over the verge without a dropped kerb onto the Land.</p> <p>Enforcement Notice issued 20th June 2019.</p>	<p>Appeal notification received, awaiting start letter from the Planning Inspectorate.</p>
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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.

Enforcement Resource

The Council has successfully secured funding from the Ministry of Housing Communities and Local Government Planning Enforcement Fund, which will be utilised to create an additional Planning Enforcement post initially for 18 months but with a view to extending if fee income exceeds our current projections. This is particularly timely given the additional development envisaged to come forward as a result of the Local Plan being adopted but will also help us in respect of more robust monitoring and pro-active work. We are hopeful that there will be an additional officer in post by December.

Conclusion

The service continues to build on numbers of formal enforcement actions and interventions where appropriate. 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. 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

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