

Planning Enforcement Report to Planning Regulatory Board

Quarter 4 January 2020 – March 2020 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 4 Period of this reporting year 2019/2020 (January – March 2020). 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 2020 45

February 2020 48

March 2020 55

Total number of requests for service Quarter 4 2019/20 **148**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 4 2019/2020	148	60	88

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 (displayed in order of date issued)

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
<p>2019\ENQ\00699</p> <p>69 Briton Street, Thurnscoe, Rotherham, S63 0HR</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for pet grooming, dog sitting & dog walking.</p>	<p>Enforcement Notice issued 2nd January 2020 requiring:</p> <p>(i) Cease the unauthorised change of use relating to pet grooming, dog sitting & dog walking at the property and ensure that the only dogs present at the property are those registered to the occupants of the dwelling house. No further dogs should attend the premises for any grooming, sitting or dog walking purposes.</p> <p>Effective: 3rd February 2020.</p> <p>Time Period for Compliance: One months (3rd March 2020)</p> <p>Appeal Submitted</p>
<p>2018\ENQ\00460</p> <p>33 Paddock Road, Staincross, Barnsley, S75 8LF</p>	<p>Without planning permission, the erection of raised decking to the rear of the property.</p>	<p>Enforcement Notice issued 3rd January 2020 requiring:</p> <p>(i) Dismantle and remove all the raised decking to the rear of the property including any supporting structures and foundations from the land.</p> <p>(ii) Ensure any supporting fencing or screening which is either fixed or adjacent to the raised decking is less than 2 metres in height when measured from ground level.</p> <p>Effective: 7th February 2020.</p> <p>Notice Complied with – Decking Removed</p>

<p>2019\ENQ\00688</p> <p>4 Whin Corner, Shafton, Barnsley, S72 8PJ</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for pet cremation and burial services.</p>	<p>Enforcement Notice issued 7th January 2020 requiring:</p> <p>(i) Cease the unauthorised change of use relating to pet cremation & burial at the property, ensuring that the only animals, present at the property, alive or deceased are those registered to the occupants of the dwelling house. No further carcasses should be brought to the premises for any purposes.</p> <p>Effective: 7th February 2020</p> <p>Notice complied with; the unauthorised use has ceased.</p>
<p>2019\ENQ\00560</p> <p>3 Chapel Court, Ardsley, Barnsley, S71 5FA</p>	<p>Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height</p>	<p>Enforcement Notice issued 27th January 2020 requiring:</p> <p>(i) Reduce the height of the existing fence panels that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>Effective: 28th February 2020</p> <p>Notice complied with – Fence reduced</p>
<p>2019\ENQ\00050</p> <p>68 Aldham Cottages, Barnsley Road, Wombwell, Barnsley, S73 8DZ</p>	<p>Without planning permission, the erection of a single storey rear extension to the dwelling</p>	<p>Enforcement Notice issued 28th January 2020 requiring:</p> <p>(i) Remove the single storey rear extension constructed with chipboard/wood and fencing panels from the property in its entirety including foundations and backfill foundations with subsoil and top</p>

		<p>soil to ground level.</p> <p>Effective: 28th February 2020</p> <p>Notice complied with – Extension removed</p>
<p>2019\ENQ\00792</p> <p>37 Parkgate, Goldthorpe, Barnsley, Rotherham, S63 9GW</p>	<p>Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height.</p>	<p>Enforcement Notice issued 3rd February 2020 requiring:</p> <p>(i) Remove the existing fence panels that run adjacent to the highway as marked in Appendix 1 in their entirety from the land.</p> <p>Effective: 5th March 2020</p> <p>Notice complied with – Fence reduced in height</p>
<p>2019\ENQ\00870</p> <p>1 Rectory Lane, Thurnscoe, Rotherham, S63 0RS</p>	<p>Condition 5 of the planning permission has not been complied with:</p> <p>(Condition 5) No hedges or trees, or their branches or their roots, shall be lopped, felled or severed.</p>	<p>Enforcement Notice issued 3rd February 2020 requiring:</p> <p>(i) Remove the existing fence in its entirety, replacing it with a Hawthorne boundary hedge or a species similar to those of surrounding residential dwellings.</p> <p>Effective: 4th March 2020</p> <p>Time period for compliance, Within the next planting season (October-March).</p>
<p>2018\ENQ\00437</p> <p>21 Kings Court, Wombwell, Barnsley, S73 0FB</p>	<p>Without planning permission, the erection of a brick outbuilding to the rear of the dwelling.</p>	<p>Enforcement Notice issued 7th February 2020 requiring:</p> <p>Either:</p> <p>i) Demolish and remove the unauthorised detached outbuilding from the rear garden of the property.</p> <p>Or:</p> <p>ii) Reduce the height of the building to no more than 2.5</p>

		<p>metres from ground level constructed in materials that match the existing structure.</p> <p>Effective 7th March 2020.</p> <p>Time period for compliance, 2 months (7th May 2020).</p> <p>Additional time requested for compliance due to Covid situation.</p>
<p>2020\ENQ\00202</p> <p>Worsbrough Wood, Worsbrough Road, Barnsley, S70</p>	<p>Without planning permission:</p> <p>The material change of use of land for the siting of a caravan for human habitation, storage of horseboxes, vehicles, plant, equipment, machinery, the laying of hardstanding and erection of walls, fencing and boundary gates to facilitate the unauthorised use over a number of unauthorised vehicular crossings on woodland which is covered by Tree Preservation Orders. ('The Unauthorised Works').</p>	<p>Enforcement Notice and Stop Notice issued 6th March 2020 requiring:</p> <p>(i) Cease the residential occupation of the caravan for human habitation purposes and remove the caravan from the land;</p> <p>(ii) Remove the horseboxes stored on the land, all vehicles, plant, equipment, machinery stored on the land</p> <p>(iii) Demolish and remove the boundary walls, fencing and boundary gates erected at the land and Reinstate the land to its previous condition before the unauthorised development took place including removing unauthorised hardstanding which has been laid.</p> <p>(iv) Cultivate the earth and Re-seed the areas where hardstanding has been laid with agricultural grass seed to assimilate them back to a natural environment.</p> <p>Effective: 10th April 2020</p> <p>Time period for compliance, one day (step 1) to two months (steps 2,3,4)</p> <p>Appeal Submitted</p>

2019\ENQ\00732 Residential Development site, Poplar House Farm, 24 Low Cudworth Green, Cudworth, Barnsley, S72 8EG	The development is not proceeding in accordance with the approved planning permission for Plot 6 as approved under application 2019/1295 dated 21st February 2020, specifically the incorrect siting of the footings and the continuation of the build. ('The Unauthorised Works').	Temporary Stop Notice issued 28th February, effective until 27th March 2020. Notice complied with.
2019\ENQ\00732 Residential Development site, Poplar House Farm, 24 Low Cudworth Green, Cudworth, Barnsley, S72 8EG	The following condition has not been complied with:- Condition 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays	Breach of Condition Notice issued 9th March 2020 Effective Immediately upon receipt. Notice Complied with.

(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
2019\ENQ\00077 Land at, Former Belmont Centre, Cross Street. Monk Bretton. Barnsley. S71 2DY	<ul style="list-style-type: none"> i. Demolish any existing building on the land, disposing of all consequential demolition materials in an environmentally responsible manner. ii. Make safe any hazardous inspection chambers by replacing covers on the land. iii. Repair any existing boundary walls within the curtilage of the land and maintain any vegetation growth. 	<p>S215 Notice issued 18th February 2020</p> <p>Effective: 11th March 2020</p> <p>Time period for compliance two months. (11th May 2020).</p> <p>Notice not complied with to date, a planning application is under consideration for the redevelopment of the site, prosecution action under consideration.</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 Worsbrough Wood, Worsbrough Road, Barnsley, S70	Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.	Further enforcement notices served in March 2020 in relation to the unauthorised use as site for storing a caravan for human habitation and associated development Injunctive action and works in default under consideration due to breach of the Stop Notice.
2018/ENQ/00689 Land Off Sandybridge Lane, Shafton	Change of use of land for residential occupation of caravans and base for recovery business	Prosecution action been sought for non-compliance with the enforcement notice as compliance date passed on 19 th February 2020.

(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	Start letter received 6 th May 2020 for the appeals process to begin. The procedure for this appeal is a Hearing with a future date to be arranged. The enforcement notice seeks the removal of the caravan bays, fencing, hardstanding and associated development seeking reinstatement of the land.

<p>2018/ENQ/00689</p> <p>Sandybridge Lane, Shafton, Barnsley, S72</p>	<p>Change of use of land for residential occupation of caravans and base for recovery business</p> <p>Enforcement Notice and Stop Notice issued 25th January 2019</p>	<p>Appeal Decision received 19th November 2019 Dismissed. Time period for compliance amended from 1 month to 3 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 19th February 2020.</p> <p>Notice not complied with – Prosecution/injunctive action under consideration in order to seek removed of caravans, vehicles and materials at the site.</p>
<p>Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE</p>	<p>Change of use of vacant land to base for a highway contractor, road and maintenance depot.</p> <p>Enforcement Notice issued 20th April 2018</p>	<p>Appeal Decision received 7th November 2019. Appeal Dismissed. Time period for compliance amended from 1 month to 6 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 7th May 2020.</p> <p>2-month extension requested to arrange removal of equipment and material on site due to Covid situation. This would take the compliance date to 7th July 2020. Officers have asked for a schedule of works before agreeing any extension of time.</p>
<p>2019\ENQ\000492</p> <p>35 George Street, Goldthorpe, Rotherham, S63 9AY</p>	<p>Development not in accordance with the approved plans and conditions granted by the Council. (pair of semi-detached dwellings)</p> <p>Enforcement Notice issued 7th June 2019</p>	<p>Appeal Allowed. Dated 9th March 2020</p> <p>Pair of Semi-detached dwellings have been allowed to remain by the Inspector subject to conditions, including provision of obscure glazing and landscaping.</p>

<p>2018\ENQ\00558</p> <p>37 Armroyd Lane, Elsecar, Barnsley, S74 8ET</p>	<p>Without planning permission, the material change of use of land to a mixed use as residential dwelling house and base for motor vehicle sales.</p> <p>Enforcement Notice issued 25th June 2019.</p>	<p>Appeal Dismissed, Decision Issued 15th April 2020.</p> <p>Compliance period One Month (15th May 2020)</p> <p>Steps Required: Cease the unauthorised change of use relating to the sale of motor vehicles at the property and ensure the only vehicles stored at the premises are those directly owned and operated day to day by the registered occupants of the dwelling house.</p> <p>Notice Complied with to date.</p>
<p>2018\ENQ\00556</p> <p>Heritage Court, North side of School Street, Hemingfield, Barnsley, S73 0HZ</p>	<p>The breach of planning control alleged in the notice is without planning permission, the contravention of condition 7 of the grant of planning permission in respect of application 2006/0102. (operating outside of permitted hours)</p>	<p>Appeal Dismissed Decision Issued 23rd March 2020</p> <p>Requirements of the Notice:</p> <ul style="list-style-type: none"> (i) Comply with the condition 7 of the grant of planning permission application reference 2006/0102. (ii) 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. <p>Notice complied with to date.</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>Appeal Dismissed Decision Issued 16th March 2020</p> <p>Time period for compliance One Month (16th April 2020)</p> <p>Requirements of Notice:</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>Site visit required to check compliance with the Notice.</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>Appeal Allowed, Decision issued 23rd March 2020.</p> <p>Inspector ruled the building causes no harm to wider street scene and considered the building an annex/ancillary to the existing dwelling house.</p>

<p>2019\ENQ\00758</p> <p>30 Huddersfield Road, Barnsley, S75 1DL</p>	<p>Without planning permission, The creation of a vehicular crossing onto a classified road.</p>	<p>Appeal Dismissed. Decision Issued 2nd April 2020.</p> <p>Time period for compliance 2 Months (2nd June 2020)</p> <p>Steps to be taken are:</p> <ul style="list-style-type: none"> (i) Reinstatement a permanent boundary wall in materials similar to those that were in situ at a similar height prior to the development which will prevent motor vehicle access over the verge to the front garden of the property and; (ii) Remove any related building materials from the land, including those that are obstructing the public footpath. <p>Compliance period not expired yet, further site visit to be arranged to check reinstatement works.</p>
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(e) Previous reported cases Now resolved

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Case & Resolution</u>
<p>2019\ENQ\00228</p> <p>Land known as 35 Guest Road, Barnsley, S75 2SR</p>	<p>1. Clear the land of any self-setting shrubs, weeds and brambles</p> <p>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</p>	<p>S215 Notice issued 2nd September 2019.</p> <p>S215 Notice complied with and walls rebuilt – Case Closed</p>

2019\ENQ\00682 52 Gawber Road, Barnsley, S75 2AP	1.Felling of all trees (including self-setters) from the gardens 2.Removal of ivy from the external walls 3.Cutting back or poisoning of all overgrown vegetation in the gardens	S215 Notice issued 24th September 2019. S215 Notice Complied with – Case Closed.
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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. The information above shows that appeals have been moving through the system and we have received a number of appeal decisions in recent months.

Enforcement Resource

Following the Council's application for funds to support the planning enforcement service in late 2019, the application has been successful and funding from the Ministry of Housing Communities and Local Government Planning Enforcement Fund has been granted to the Council. This funding has been utilised to create an additional Planning Enforcement post initially for 18 months but with a view to extending the post if fee income exceeds our current projections. Following a round of recruitment the officer has been in post from December 2019. This additional resource will assist the service to focus on specific projects including S215 untidy land and building issues, and more robust and proactive enforcement work alongside our ambition to increase the number of formal enforcement interventions taken by the Council.

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

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

Customer Services 01226 773555