

Planning Enforcement Report to Planning Regulatory Board

Quarter 1 April 2020 – June 2020 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 Period of this reporting year 2020/2021 (April 2020 – June 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:

April 2020 54

May 2020 78

June 2020 85

Total number of requests for service Quarter 1 2020/21 **217**

| | Cases Received | Investigated/Resolved | Under Consideration |
|---------------------|-----------------------|------------------------------|----------------------------|
| Quarter 1 2020/2021 | 217 | 130 | 87 |

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.

Most 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> |
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| <p>2019\ENQ\00695</p> <p>Land west of Wellhouse Lane & North of Barnsley Road, Penistone.</p> | <p>Development has taken place pursuant to planning permission ref: 2014/0095 (Erection of 3no. dwellings and garages), granted by the Council on 25th June 2014. However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council.</p> <p>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 27th May 2020 requiring:</p> <p>(i) Reinstate the boundary stone wall to its previous condition, including the agreed pedestrian access.</p> <p>(ii) Remove all related loose chippings on the parking/manoeuvring facility replacing it with a solid bound material.</p> <p>(iii) Amend the garage so that external walls are of coursed natural reclaimed stone walling, regularly coursed with stone quoins to major external corners.</p> <p>Effective: 26th June 2020.</p> <p>Time period for compliance Two Months (26th August 2020)</p> |
| <p>2019\ENQ\00385</p> <p>Land next to Thornhill, Holly Bush Drive, Thurnscoe, S63</p> | <p>The breach of planning control is the unauthorised change of use of vacant land to undertaking operational development for a residential dwelling with associated walls and boundary treatments which facilitate the change of use</p> | <p>Temporary Stop Notice issued 9th June 2020</p> <p>(i) Cease the unauthorised works</p> <p>Effective: 9th June 2020.</p> <p>All works have ceased, planning application anticipated.</p> |
| <p>2020\ENQ\00408</p> <p>Land to South the West of The Walk, Higham, S70 5UA</p> | <p>The breach of planning control is the unauthorised change of use of vacant land by substantial engineering operations, earth clearance manoeuvres and the</p> | <p>Temporary Stop Notice issued 12th June 2020</p> <p>(i) Cease the unauthorised works</p> |

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| | formation of an access road | <p>Effective 12th June 2020</p> <p>All works have ceased, planning application anticipated.</p> |
| <p>2020\ENQ\00436</p> <p>Land at 6a Albert Street, Cudworth, Barnsley, S72 8AP</p> | The breach of planning control is the unauthorised change of use of the land and buildings for the Builders Merchants to a vehicular workshop. | <p>Temporary Stop Notice issued 24th June 2020</p> <p>(i) Cease the unauthorised works</p> <p>Effective 24th June 2020</p> <p>Officers are working with the landowner and tenant of the site to resolve matters</p> |
| <p>2020\ENQ\00455</p> <p>Hazelshaw Farm, Wortley, Sheffield. S35 7DG</p> | The breach of planning control is the unauthorised change of use of land to include the stationing of storage containers, portacabins and caravans including undertaking earthworks with heavy plant and machinery ('The Unauthorised Works') to Hazelshaw Farm, Bank Lane, Wortley, Sheffield, S35 7DG | <p>Temporary Stop Notice issued 29th June 2020.</p> <p>Cease the unauthorised activities listed in the notice.</p> <p>A site meeting with officers from community safety service and the appellant has taken place.</p> |

(b) S215 Untidy Land and Buildings Action

| <u>Case Reference & Location</u> | <u>S215 Notice Details</u> | <u>Details of Service/Appeal</u> |
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| 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. | S215 Notice issued 18 th February 2020 Effective: 11 th March 2020 Time period for compliance two months. (11 th May 2020). Notice not complied with to date, a planning application is under consideration for the redevelopment of the site, prosecution action and/or works in default under consideration. |

(c) Legal action

| <u>Case Reference & Location</u> | <u>Case Details</u> | <u>Prosecution Status</u> |
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| 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 being actively pursued 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> |
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| 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. Appeal now at final comments stage, councils' statement of case and application for costs has been submitted. 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. |
| 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 | Appeal Decision received 19 th November 2019 Dismissed. Time period for compliance amended from 1 month to 3 months by Planning Inspector. Enforcement Notice compliance required by 19 th February 2020. Notice not complied with – Prosecution/injunctive action being pursued in order to seek removed of caravans, vehicles and materials at the site. further correspondence issued to appellant regarding the councils' intentions. |
| 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. | Appeal Decision received 7 th November 2019. Appeal Dismissed. |

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| | <p>Enforcement Notice issued 20th April 2018</p> | <p>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. Follow up visit scheduled to check compliance.</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>Site being monitored for compliance with the appeal decision.</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> |

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| | | Notice Complied with. case resolved. |
| <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. case resolved.</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> <ul style="list-style-type: none"> (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. (ii) Reduce the height of the |

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| | | <p>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>Period of compliance extended to 31st August 2020 due to Covid.</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) Reinststate a permanent boundary wall in materials similar to those that were in situ at a similar height prior to the development |

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| | | <p>which will prevent motor vehicle access over the verge to the front garden of the property and;</p> <p>(ii) Remove any related building materials from the land, including those that are obstructing the public footpath.</p> <p>Works not yet undertaken, time period has now expired, pre-prosecution correspondence issued.</p> |
| <p>2019\ENQ\00546</p> <p>204 Darton Lane, Mapplewell, S75 6AH</p> | <p>The breach of planning control as alleged in the notice is Without planning permission;</p> <p>(i) The erection of a detached building and;</p> <p>(ii) The unauthorised change of use of the land to a base for a vehicle recovery business and storage and parking of recovery vehicles.</p> | <p>Appeal decision issued 29th June 2020 – Split decision</p> <p>Time period for compliance Two Months (29th August 2020).</p> <p>The detached building needs to be removed, the recovery business allegation was deleted by the inspector.</p> |
| <p>2019\ENQ\00686</p> <p>5 The Brambles, Royston, Barnsley, S71 4TA</p> | <p>The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for vehicular purchasing, sales and mechanical maintenance of motor vehicles.</p> | <p>Appeal Decision issued 26th June 2020 -Appeal allowed.</p> <p>The inspector allowed the appeal and quashed the enforcement notice but recognised that the amount of activity (vehicle repairs and maintenance) was higher than would normally be expected from a residential property and therefore the council was reasonable in its actions.</p> |

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.

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 ongoing Covid crisis has not had a material impact on the demand for the service which remains high despite disruption to building activities and development sites particularly during April and May 2020. 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