

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 2 July 2020 – September 2020 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 2020/2021 (July 2020 – September 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 2:

July 2020 74

August 2020 85

September 2020 89

Total number of requests for service Quarter 2 2020/21 **248**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 2 2020/2021	248	144	104

#### 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)

<b>Case Reference &amp; Location</b>	<b>Breach of Planning Control</b>	<b>Details of Service/Appeal</b>
<p>2020\ENQ\00408</p> <p>Land South West of The Walk, Hoyland, Barnsley, S70 6PN</p>	<p>Unauthorised undertaking of engineering operations including excavations by heavy plant and machinery and the formation of an access road</p>	<p>Temporary Stop Notice issued 12<sup>th</sup> June 2020</p> <p>(i) Cease the unauthorised works</p> <p>Effective 12<sup>th</sup> June 2020</p> <p>Status: Enforcement Notice under preparation to seek reinstatement of land to its previous condition.</p>
<p>2020\ENQ\00076</p> <p>315 - 317 Dodworth Road (land to Rear of) Barnsley, S70 6PN</p>	<p>Unauthorised Development carried out within the last 10 years: The material change of use of land for the siting of caravans, motorhomes and a Mobile Home for human habitation, storage of associated vehicles, plant equipment and machinery, the use of outbuildings as ablutions to facilitate the habitants of the caravans</p>	<p>Enforcement Notice &amp; Stop Notice issued 13<sup>th</sup> July 2020 requiring:</p> <p>(i) Cease the residential occupation of the caravans and motorhomes for human habitation purposes and remove the caravans and motorhomes from the land;</p> <p>(ii) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land:</p> <p>(iii) Remove the associated equipment stored on the land, all vehicles, plant, equipment, machinery stored on the land</p> <p>Stop Notice Effective 16<sup>th</sup> July 2020</p> <p>Enforcement Notice Effective 14<sup>th</sup> August 2020</p> <p>Time Period for Compliance: Two Months (14<sup>th</sup> October 2020)</p> <p>Status: The use has ceased, and all Caravans/motorhomes</p>

		have been removed – Case Resolved.
2020\ENQ\00024  2 Derby Street, Barnsley, S70 6ER	Without planning permission: The change of use of land, including residential dwelling (C3), to a Guest House (C1) for the purposes of operating a 24 Hours Self Check in Boarding House Business.	Enforcement Notice issued 10 <sup>th</sup> August 2020 requiring:  (i) Cease the commercial use of the residential dwelling and revert in its entirety to a C3 Larger Dwelling.  Effective: 7 <sup>th</sup> September 2020.  Time period for compliance One Month (7 <sup>th</sup> October 2020)  Status: Site being monitored and officers working with Housing Licencing regarding the property
2020\ENQ\00473  Land at 2 - 44 Pleasant View Street, Smithies, Barnsley, S71 1QW	Without Planning: The material change of use of land for the siting of a static mobile home for human habitation and the carrying out of operational development comprising of the construction of hardstanding, walls to provide bays for the Mobile Home.	Enforcement Notice issued 10 <sup>th</sup> August 2020.  (i) Cease the residential occupation of the Mobile Home for human habitation purposes and remove the Mobile Home from the land;  (ii) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land:  (iii) Remove all boundary walls, fencing and hardstanding to restore the land to its previous condition prior to the breach described in Paragraph 4 of the above.  Effective: 8 <sup>th</sup> September 2020  Time Period for Compliance: One Month (8 <sup>th</sup> October 2020)  Appeal Submitted

<p>2019\ENQ\00730</p> <p>31 Croft Close, Mapplewell, Barnsley, S75 6FN</p>	<p>Without planning permission; the erection of a single storey rear extension with a flat roof</p>	<p>Enforcement Notice issued 11th August 2020 Requiring:</p> <p>(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</p> <p><b>OR</b></p> <p>(ii) Modify the specification of the existing building ensuring that the height is not in excess of 2.5 metres and that the external walls are cladded with brick slips.</p> <p>Effective: 11<sup>th</sup> September 2020</p> <p>Time Period for Compliance: Two Months (11<sup>th</sup> November 2020)</p> <p>Status: No appeal received, given until end of November to comply.</p>
<p>2020\ENQ\00699</p> <p>GoLocalExtra, 220 Summer Lane, Wombwell, Barnsley, S73 8QH</p>	<p>Breach of Conditions 4 &amp; 6 of planning permission 2019/0815</p> <p>(Deliveries and Access)</p>	<p>Breach of Condition Notice issued 21<sup>st</sup> August 2020</p> <p>(i) Ensure that the business co-ordinates its commercial deliveries strictly in accordance with the timings laid out in the Conditions of Planning documentation.</p> <p>(ii) Ensure that there are no vehicles parked on the Wombwell UD Path No2 – Public Right of Way at any time whatsoever</p> <p>Time period for compliance: 28 days</p> <p>Status: Notice Complied with – Case Resolved</p>

<p>2020\ENQ\00044</p> <p>4 Willow Bank, Barnsley, S75 1BN</p>	<p>Without planning permission: The change of use of land, including residential dwelling (C3), to a Sui Generis Commercial Holiday Let for the purposes of operating a 24 Hours Self Check in Boarding House Business</p>	<p>Enforcement Notice issued 25<sup>th</sup> August 2020 requiring:</p> <p>(i) Cease the commercial use of the residential dwelling and revert in its entirety to a C3 Larger Dwelling.</p> <p>Effective: 23<sup>rd</sup> September 2020.</p> <p>Time period for compliance One Month (23<sup>rd</sup> October 2020)</p> <p>Status: Investigations continuing as notice may have been breached, no appeal received.</p>
---	--	---

**(b) S215 Untidy Land and Buildings Action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>S215 Notice Details</u></b>	<b><u>Details of Service/Appeal</u></b>
<p>2019\ENQ\00077</p> <p>Land at, Former Belmont Centre, Cross Street. Monk Bretton. Barnsley. S71 2DY</p>	<p>i. Demolish any existing building on the land, disposing of all consequential demolition materials in an environmentally responsible manner.</p> <p>ii. Make safe any hazardous inspection chambers by replacing covers on the land.</p> <p>iii. Repair any existing boundary walls within the curtilage of the land and maintain any vegetation growth.</p>	<p>S215 Notice issued 18<sup>th</sup> February 2020</p> <p>Effective: 11<sup>th</sup> March 2020</p> <p>Time period for compliance two months. (11<sup>th</sup> May 2020).</p> <p>Status: Notice not complied with to date, a planning application is under consideration for the redevelopment of the site, which is for consideration at PRB November 2020.</p> <p>Landowner has been asked to provide a schedule and timescale of works for demolition</p>

<p>2019\ENQ\00611</p> <p>2,4,6,8 New Street Darfield, Barnsley, S73</p>	<p>Demolish the derelict buildings from the land and dispose of all materials</p>	<p>S215 Notice Served: 31<sup>st</sup> July 2019</p> <p>Effective: 31<sup>st</sup> August 2019</p> <p>Time Period for Compliance 3 months:</p> <p>Buildings now demolished flowing proposed Legal Action</p>
---	---	--

**(c) Legal action**

<b>Case Reference &amp; Location</b>	<b>Case Details</b>	<b>Prosecution Status</b>
<p>2020\ENQ\00202</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 served in March 2020 in relation to the unauthorised use as site for storing a caravan for human habitation and associated development</p> <p>Start Letter received for joint Planning and Enforcement Appeal: 27<sup>th</sup> October 2020</p> <p>Injunctive action and works in default being actively pursued due to breach of the Stop Notice.</p>
<p>2018\ENQ\00689</p> <p>Land Off Sandybridge Lane, Shafton</p>	<p>Change of use of land for residential occupation of caravans and base for recovery business</p>	<p>Use now ceased due to proposed Legal Action</p>

**(d) Enforcement Appeals**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Appeal Decision</u></b>
<p>2018\ENQ\00526</p> <p>Cliffe Lane, Brierley, Barnsley, S72 9HR</p>	<p>Laying of Hardstanding's, walls and block paving for the formation of caravan bays.</p> <p>Enforcement Notice and Stop Notice issued 25<sup>th</sup> January 2019</p>	<p>Start letter received 6<sup>th</sup> 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.</p> <p>The procedure for this appeal is a Hearing with a future date to be arranged.</p> <p>The enforcement notice seeks the removal of the caravan bays, fencing, hardstanding and associated development seeking reinstatement of the land.</p>
<p>2020\ENQ\00143</p> <p>Stairfoot Steel/Metals, Wombwell Lane, Stairfoot, Barnsley, S70 3NT</p>	<p>Without planning permission, the material change of use of land to a scrap metal storage and processing facility (Sui Generis).</p> <p>Enforcement Notice issued 27<sup>th</sup> July 2020</p>	<p>Start Letter Received: 22<sup>nd</sup> September</p> <p>Appeal statements submitted with Final Comments due by end of November</p> <p>The Enforcement Notice seeks the use to cease and all scrap/material removed from 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 20<sup>th</sup> April 2018</p>	<p>Appeal Decision received 7<sup>th</sup> November 2019. Appeal Dismissed.</p> <p>Time period for compliance amended from 1 month to 6 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 7<sup>th</sup> May 2020.</p> <p>Status: 2-month extension</p>

		requested to arrange removal of equipment and material on site due to Covid situation. Use has ceased and all items removed. Notice complied with
2019\ENQ\000547  South Grove House, Broad Street, Hoyland, Barnsley, S74 9DY	(i)Development has taken place pursuant to planning permission ref: 2018/0157 (Erection of detached double garage)  (ii) Siting of storage container  (iii) Erection of Hangar  Enforcement Notices issued 29 <sup>th</sup> May 2020	Three Enforcement Notices issued requiring:  (i)Demolition of building or compliance with approved plans  (ii) Removal of storage container  (iii) Removal of Hanger Building  Status: Final comments stage end of October 2020, awaiting Appeal decisions to be issued.
2020\ENQ\00202  Land off Worsbrough Road (Wood), Worsbrough Barnsley, S70 5LN	Without planning permission: 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').	Start Letter received for joint Planning and Enforcement Appeal: 27 <sup>th</sup> October 2020  The Enforcement Notice seeks the use to cease and removal of the items described on the Notice  Status: Appeal Progressing
2019\ENQ\00472  7 Spa Well Grove, Brierley, Barnsley, S72 9LS	Without planning permission, the erection of a fence adjacent to the highway	Appeal Dismissed Decision Issued 16 <sup>th</sup> March 2020  Time period for compliance One Month (16 <sup>th</sup> April 2020)  Requirements of Notice:

		<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>Period of compliance extended to 31<sup>st</sup> August 2020 due to Covid.</p> <p>Status: Pre-prosecution stage</p>
<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 &amp; dog walking</p>	<p>Appeal Dismissed Decision Issued 15<sup>th</sup> September 2020</p> <p>Requirements of Notice:</p> <p>(i) Cease the unauthorised change of use relating to pet grooming, dog sitting &amp; 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>Status: Notice complied with Case Resolved</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 2<sup>nd</sup> April 2020.</p> <p>Time period for compliance 2 Months (2<sup>nd</sup> June 2020)</p> <p>Steps to be taken are:</p> <p>(i) Reinstate a</p>

		<p>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;</p> <p>(ii) Remove any related building materials from the land, including those that are obstructing the public footpath.</p> <p>Status: Works not yet undertaken, time period has now expired, pre-prosecution correspondence issued.</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 in the first lockdown earlier in the year. 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](mailto:Planningenforcement@barnsley.gov.uk)

**Customer Services 01226 773555**