

Planning Enforcement Report to Planning Regulatory Board

Quarter 4 January 2022 – March 2022 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 4 of the last reporting period 2021/2022 (January 2022 – March 2022). 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	2021	58
February	2021	63
March	2021	72

Total number of requests for service Quarter 4 2021/22 **193**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (21/22)	193	104	89

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)

Case Reference & Location	Breach of Planning Control	Details of Service/Appeal
<p>2021\ENQ\00641</p> <p>Land at Hall Gardens, Brierley (Residential Development)</p>	<p>Non-compliance with hours of operation (Construction Hrs and Delivery/Operations)</p> <p>Without planning permission; the carrying out of operational development under S55 of the Town and Country Planning Act;</p> <p>Namely engineering operations including excavations and the constructing of footings for residential dwellinghouses ("The Unauthorised Works") without complying with the pre commencement conditions listed in paragraph 4 of this notice</p> <p>Attached to planning permission ref 2019/1530 (Residential development of 36 no. dwellings and associated works including associated garages and parking)..</p>	<p>Stop Notice and Enforcement notice served 13th December 2021 requiring:</p> <p>(i) Cease all development activity on the Land including any development purporting to implement the development detailed in planning permission reference 2019/1530.</p> <p>Notice Effective 10th January 2022</p> <p>Time period for compliance One week</p> <p>No appeal submitted</p> <p>Status: Notice complied with and speaking with developer to resolve remaining issues</p>
<p>2021\ENQ\00121</p> <p>Land at Lidgett Lane, Pilley, Barnsley, S75 3AG otherwise known as St Paul's Bank, Pilley, Barnsley, S75 3AG</p>	<p>Breach of Construction Management Plan (Avant Homes Development)</p> <p>The failure to comply with condition 22 of the attached planning permission granted (Reference 2019/1464) which requires adherence to the agreed Construction Method Statement (The Unauthorised Works).</p>	<p>Enforcement Notice served 23rd December 2021 requiring:</p> <p>(i) Comply with condition 22 of the Grant of Planning Permission</p> <p>(Reference 2019/1464) and ensure all activity on site adheres to the agreed Construction Method Statement.</p>

		<p>Effective 21st January 2022.</p> <p>Time period for compliance Three days</p> <p>Status: Developer has apologised and put mitigation measures in place.</p>
<p>2021\ENQ\00456</p> <p>A&S Commercials LTD, Bargh Green Ind Estate</p>	<p>Operating hours and unauthorised building</p> <p>The contravention of Condition 3 of the Grant of Planning Permission in respect of application 2008/1275</p>	<p>Enforcement Notice served 10th January 2021 requiring:</p> <p>Comply with condition 3 of the Grant of Planning Permission (application reference 2008/1275) and ensure that all activity associated with the development under the planning permission undertaken at the Land is carried out between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays</p> <p>Time Period for compliance: 3 days</p> <p>Status: Notice complied with</p>
<p>2020\ENQ\00458</p> <p>Whitegate Stables, Common Road, Brierley, S72</p>	<p>Deviation from approved plans, Utility/day room</p> <p>Development has taken place pursuant to planning permission ref: 2017/1175 (Erection of a day room) granted by the Council on 25th October 2017. 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</p>	<p>Enforcement Notice served 17th January 2022 requiring:</p> <p>(Amend the build to comply with the plans and particulars of the approved planning permission reference 2017/1175 (Erection of a day room) granted by the Council on 25th October 2017.</p> <p>Time period for compliance: 2 months</p> <p>Status: Not complied with, no appeal submitted, case to prosecution</p>

	therefore does not have planning permission.	
2021\ENQ\00666 13 Bell Bank View, Worsbrough,	<p>Deviation from approved plans</p> <p>Development has taken place pursuant to planning permission ref: 2021/0145 (Erection of single storey extension to rear with underbuild and dormer roof extension to rear of dwelling) granted by the Council on 1st April 2021. 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 served 17th January 2022 requiring</p> <p>Amend the build to comply with the plans and particulars of the approved planning permission reference 2021/0145 (Erection of single storey extension to rear with underbuild and dormer roof. Extension to rear of dwelling granted by the Council on 1st April 2021.</p> <p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period.</p>
2021\ENQ\00564 53 Lady Croft Lane, Hemingfield, Barnsley,	<p>Extension of Domestic Curtilage</p> <p>Without planning permission, The material change of use of the land (marked as Buffer Strip in Appendix 1, "EN1, marked in Blue") for the purposes of incorporating it into the residential curtilage incidental to the dwelling house</p>	<p>Enforcement Notice served 24th January 2022 requiring:</p> <p>Cease the use of the land as an extension of the domestic curtilage.</p> <p>Remove the 1.8 metre high fencing, which encloses the land and remove any personal effects from the Land as identified in Appendix 1 ensuring that the land and boundaries are restored to their original condition as in</p>

		<p>Appendix 1, before the breach of planning control took place.</p> <p>Time period for compliance: 2 months</p> <p>Status: Appeal submitted</p>
<p>2021\ENQ\00569</p> <p>The Granary, 3 Field Head Manor, Dodworth</p>	<p>Unauthorised works to Listed Building</p> <p>3.1 It appears to the Council that the works specified in paragraph 3.2 below have been carried out to the building and constitutes a contravention of sections 7(1) and 9(1) of the Act.</p> <p>3.2 Without Listed Building Consent, the unauthorised installation of two sets of replacement garage doors (The Unauthorised Works) shown in the attached photos attached in Appendix 4 hereto.</p>	<p>Listed Building/Enforcement Notice served 7th February 2022 requiring:</p> <p>(i) Return the garage doors (as specified in paragraph 3) at the Land to their original condition, prior to the breach of Listed Building Control taking place (referenced in Appendix 5).</p> <p>(ii) Ensure that said doors cited in paragraph 3 match those of the adjacent property; 2 Fieldhead Manor, Elmhirst lane, Silkstone, Barnsley, S75 4LD.</p> <p>Time period for compliance: Three Months</p> <p>Status: Still within compliance period</p>
<p>2022\ENQ\00032</p> <p>3 Halstead Grove, Mapplewell, Barnsley</p>	<p>Fence adjacent to the highway (height/visibility issue)</p> <p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Enforcement Notice served 3rd February 2022 requiring:</p> <p>Remove the fence in its entirety from the land including any other posts or fixtures and fittings associated with its construction .</p> <p>Time period for compliance: One Month,</p> <p>Status: follow up site visit scheduled to check compliance</p>

<p>2021\ENQ\00354</p> <p>The Lemon Tree, 5 Peel Square, Barnsley, S70 2QT</p>	<p>Without Listed Building Consent, the unauthorised installation of replacement signage including new fascia signage, external menu boards and the fixing of timber plank boarding and metal railings onto the building frontage</p>	<p>Listed Building Enforcement Notice issued 8th February 2022 requiring:</p> <p>Return the Land to its original condition, prior to the breach of Listed Building Control taking place.</p> <p>Time period for compliance:</p> <p>Three Months</p> <p>Status: Appeal submitted</p>
<p>2022\ENQ\00062</p> <p>Mount Vernon Road, Worsbrough, Barnsley</p>	<p>Non-compliance with Construction Management Plan (Dutchy Homes Development)</p> <p>The failure to comply with condition 2 and 8 of the planning permission granted (Reference 2021/0142) which requires adherence to the agreed Construction Management Plan dated 21/10/20 (The Unauthorised Works).</p>	<p>Enforcement Notice served 17th February 2022 requiring:</p> <p>(i) Comply with condition 2 and 8 of the Grant of Planning Permission (Reference 2021/0142) and ensure all activity on site adheres to the agreed Construction Management Plan.</p> <p>(ii) Cease all construction works on the Land whilst any of the requirements of the agreed Construction Management Plan are not provided.</p> <p>Time period for compliance:</p> <p>Three days</p> <p>Status: Notice complied with</p>
<p>2021\ENQ\00642</p> <p>Land adj Ashley Grange, Hoylandswaine, Sheffield</p>	<p>Inappropriate development in the Green Belt</p>	<p>Enforcement Notice served 1st March 2022 requiring:</p> <p>(i) Demolish, dismantle, or otherwise remove the building.</p> <p>(ii) Remove any materials from the Land arising from performance of (i) above.</p>

		<p>Time period for compliance: Three Months</p> <p>Status: Still within compliance period</p>
<p>2021\ENQ\00642</p> <p>118 Haigh Lane, Hoylandswaine, Sheffield</p>	<p>Inappropriate development in the Green Belt (use/storage of Containers)</p> <p>Without planning permission; The construction of a building in the approximate location shown hatched green on the Plan and shown in the attached photograph(s) in Appendix 1</p>	<p>Enforcement Notice served 1st March 2022 requiring:</p> <p>(i) Demolish, dismantle, or otherwise remove the building.</p> <p>(ii) Remove any materials from the Land arising from performance of (i) above.</p> <p>Time period for compliance: Three Months</p> <p>Status: still within compliance period</p>
<p>2021\ENQ\00615</p> <p>Elsecar Cricket Club, Armroyd Lane, Elsecar</p>	<p>Inappropriate development in the Green Belt (use/storage of Containers)</p> <p>Without planning permission; the material change of use of the Land for the purposes of stationing storage containers used to accommodate a snack bar and shop.</p>	<p>Enforcement Notice served 3rd March 2022 requiring:</p> <p>Cease the use of the Land for the purposes set out in paragraph 3 to this notice.</p> <p>(Remove the containers (located in the green rectangle in plan EN1 and shown in the photograph in Appendix 1) from the Land.</p> <p>Time period for compliance: One Month</p> <p>Status: Appeal submitted</p>

(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
4 Grange Street, Thurnscoe, Rotherham, S63 0EB	Harm to surrounding streetscene due to multiple windows boarded	S215 Notice issued 9 th December 2021 Status: Monitoring compliance
7 Fairview Road, Hoyland,	Land Clearance/tidy	Status: works underway
52 Bank End Road, Worsbrough Dale	Land Clearance/tidy	Status: Monitoring compliance

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 204 Darton Lane, Mapplewell, Barnsley	Non-compliance with enforcement notice relating commercial building.	Court Hearing: February 2022 Guilty Plea, £83 Fine, Pay Local Authority Costs of £627 and victim surcharge of £34. Totalling £744.
2019\ENQ\00758 30 Huddersfield Road, Barnsley	Non-compliance with enforcement notice relating to formation of unauthorised vehicular access over a classified road.	Court Hearing 13 th December 2021 Guilty Plea entered, fined £350. Ordered to pay a contribution of costs of £480 And ordered to pay a victims surcharge of £35 Homeowner looking to reinstate the wall and provide LPA with suitable proposals Total of £865

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
APP/R4408/C/21/3281782 4 Ivy Bank, Halifax Road, Thurgoland, Sheffield S35 7AL	Unauthorised vehicular crossing	Appeal Decision issued 1 st February 2022 Appeal dismissed Restoration of land/removal of compound required by 1 st April 2022.

Compliance Monitoring

Enforcement Notices served 2020/21	Enforcement Notices Complied with 2020/21
63	43

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

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. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress

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/>

Staffing

The previously vacant second enforcement officer post was filled from 1st November 2021 following a round of recruitment. The second full time officer is a welcome addition to the service and will assist with resilience and additional support for the enforcement functions

Conclusion

Quarter 4 of 21/22 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service has issued 63 enforcement notices in 2021/2 and will seek to continue to work with elected members and local communities to achieve the desired outcomes. 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