

Planning Enforcement Report to Planning Regulatory Board

Quarter 1 April 2022 – June 2022 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 of the last reporting period 2022/2023 (April 2022 – June 2023). 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 1:

April	2022	62
May	2022	64
June	2022	70

Total number of requests for service Quarter 1 2022/23 **196**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 1 (22/23)	196	118	78

Enforcement Statistics, Year on Year

Year (Calendar)	Enforcement Notices Served	Ranking (out of 336 Authorities)
2018	13	78
2019	21	41
2020	19	22
2021	59	7

The service has made good progress progressing formal enforcement actions and this is reflected on the table above which shows an increase year on year, particularly from 2020 when a second planning enforcement officer post was created which has given the service much needed extra capacity and the resilience to respond and deal effectively with breaches of planning control. Barnsley now ranks 7th Nationally (outside of London Authorities) in terms of the number of formal actions/notices served.

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>
2022\ENQ\00130 44 Kingsway, Grimethorpe, Barnsley, S72 7FJ	Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height.	Enforcement notice served 13th April 2022 requiring: (i) Remove the existing fence panels from the land (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 or, (ii) 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. Notice Effective 13tMay 2022 Time period for compliance One Month

		<p>Appeal submitted</p> <p>Status: Awaiting Determination of Appeal</p>
<p>2022\ENQ\00084</p> <p>16 Ravensmead Court, Bolton-upon-Dearne, Rotherham, S63 8LN</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for Delta Rooftop Solutions Ltd.</p>	<p>Enforcement Notice served 13th April 2022 requiring:</p> <p>(i) Cease the unauthorised change of use relating to Delta Rooftop Solutions Ltd at the property.</p> <p>Effective 15th May 2022.</p> <p>Time period for compliance Three Months</p> <p>Status: still within time period for compliance, site will be monitored</p>
<p>2022\ENQ\00163</p> <p>Land lying the South of Dearne Hall Road and Swallow Hill Road, Low Barugh, Barnsley, S75 1LT</p>	<p>Without planning permission, the material change of use of the Land for:</p> <p>i. The siting of a caravan for human habitation, siting of storage containers, use of land for importation, storage and processing of scrap metal, wood and other materials.</p> <p>ii. The storage and operation of heavy plant and machinery.</p> <p>iii. The use of the land for "Top Print - Imprinted Concrete Specialist" with associated storage of materials and vehicles.</p> <p>iv. The use of the land for "Jimbo's Waste" with</p>	<p>Enforcement Notice served 27th April 2022 requiring:</p> <p>(i) Cease the unauthorised activity specified in paragraph 3 (i-iv) at the Land.</p> <p>(ii) Remove all unauthorised materials specified in paragraph 3 (i-iv) from the Land; restoring it to its previous condition, prior the breach of planning control taking place.</p> <p>(iii) Following completion of paragraph 5 (i-ii): Cultivate the parcel of land edged red on the attached plan marked "EN1" with topsoil and spread agricultural grass seed.</p> <p>Time Period for compliance: 6 Months</p>

	associated storage of materials and vehicles.	Status: Still within compliance period, monitoring
2020\ENQ\00458 Land on the East side of Sandybridge Lane, Shafton, Barnsley, S72 8PL Otherwise known as "The Ranch Stables" Sandybridge Lane, Shafton, Barnsley, S72 8PL	Without planning permission, the material change of use of the Land for: i. The siting of two static caravans for human habitation. ii. siting of a horsebox, the erection of stable blocks, the erection of outbuildings and the use of land for an equestrian paddock. iii. The use of the land for "The Ranch Stables" with associated storage of materials, vehicles and animals	Enforcement Notice served 13 th May 2022 requiring: (i) Cease the unauthorised activity specified in paragraph 3 (i-iii) at the Land. (ii) Remove all unauthorised materials specified in paragraph 3 (i-iii) from the Land; restoring it to its previous condition, prior the breach of planning control taking place. Effective 13 th May 2022 Time period for compliance: 6 months Status: Still within compliance period, monitoring
2021\ENQ\00557 36 Shepherd Lane, Thurnscoe, Rotherham, S63 0JS	Development has taken place pursuant to planning permission ref: 2019/1574 (Two storey side extension and single storey rear extensions to dwelling and erection of detached garage/garden store) granted by the Council on 5th March 2020 and planning permission ref: 2019/0646 (Two-storey side extension and single storey rear extensions to dwelling and erection of detached garage/garden store).	Enforcement Notice served 13 th May 2022 requiring: (i) Alter and redesign the two-storey extension so that; •It incorporates and includes obscured glazing (to level 3 on the Pilkington glass obscurity scale (Medium) to the side elevation window (as shown in Appendices 1 & 2) of which is to be retained in perpetuity. •It is redesigned so that the roof design includes decorative eaves and

	<p>However, the development which has been constructed on site is not in accordance with the approved plans and conditions on either planning application 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>decorative barge boards as shown on Appendix 2.</p> <p>Effective 12th June 2022</p> <p>Time period for compliance; Three Months</p> <p>Status: Appeal Lodged</p>
<p>2021\ENQ\00121</p> <p>Land at Lidgett Lane, Pilley, Barnsley, S75 3AG otherwise known as</p> <p>St Paul's Bank, Pilley, Barnsley, S75 3AG</p>	<p>Without planning permission, the contravention of Condition 5 of the Grant of</p> <p>Planning Permission in respect of application 2019/1464.</p>	<p>Enforcement Notice served 31st May 2022 requiring:</p> <p>Comply with condition 5 of the Grant of Planning Permission (application reference 2019/1464).</p> <p>Time period for compliance: 2 days</p> <p>Status: notice complied with, monitoring site.</p>
<p>2020\ENQ\00121</p> <p>1A Hopwood Street, Barnsley, S70 2BW</p>	<p>Without planning permission, the contravention of condition 2 of the Grant of Planning Permission in respect of application 2021/0592, approved by the Council on 3rd March 2022.</p>	<p>Listed Building/Enforcement Notice served 13th June 2022</p> <p>(i) Complete the outstanding Landscaping works cited in Paragraph 4 ensuring that they are in accordance with the approved plans received 11th February 2022 attached hereto as Appendix 4.</p> <p>Effective 14th July 2022</p> <p>Time period for compliance: Three Months</p> <p>Status: Still within compliance period</p>

<p>2022\ENQ\00256</p> <p>Dance Lane Farm, Dance Lane, Crane Moor, Sheffield, S35 7AW</p>	<p>Without planning permission; The material change of use of the Land to a mixed use for agriculture and as holiday accommodation (the accommodation also described as a Shepherd's Hut).</p>	<p>Enforcement Notice served 16th June 2022 requiring:</p> <p>i) Cease the use of the Land for holiday accommodation described in paragraph 3 of this notice</p> <p>(ii) Remove from the Land the unauthorised holiday accommodation (also described as a Shepherd's Hut) in its entirety along with any related infrastructure comprising of hard or loose stoned surfacing, timber boardwalk, fencing and outdoor furniture, hot tub, and utility connections</p> <p>(iii) Following compliance with paragraph 5 (i): Ensure that the Land is restored to its original condition before the unauthorised change of use took place.</p> <p>Time period for compliance: Three Months,</p> <p>Status: Appeal commenced</p>
<p>2020\ENQ\00347</p> <p>34 Highstone Avenue, Worsbrough Common, Barnsley, S70 4LA</p>	<p>Without planning permission, the erection of a single storey rear extension and outbuilding including a raised ground level and the erection of a retaining wall</p>	<p>Enforcement Notice issued 7th June 2022 requiring:</p> <p>(i) Demolish the unauthorised extension and outbuilding as specified in paragraph 3.</p> <p>(ii) Remove all rubble and materials arising from compliance with paragraph 5 (i).</p> <p>(iii) Return the land to its original state, prior to the breach of planning control taking place including restoring the land to the pre-existing level and demolishing</p>

		<p>and removing the retaining wall to the raised land level.</p> <p>Time period for compliance: Three Months</p> <p>Status: Appeal commenced</p>
<p>2022\ENQ\00115</p> <p>Former Burton Grange Nursery, Abbey Lane, Lundwood, Barnsley, S71 5QD</p>	<p>The permission granted by the Council on 23rd April 2020 (ref: 2019/0637) for 'Erection of 4 no. dwellings and associated works'.</p> <p>Breach of conditions 6, landscaping & 8 Ecology</p>	<p>Breach of condition Notice served 21st April 2021 Requiring: As the persons responsible for the breaches of the condition specified in paragraph 4 of this notice, you are required to comply or secure compliance with conditions 6 and 8 of Planning Permission 2019/0637 by taking the</p> <p>following steps:-</p> <p>(i) Ensure that full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained are submitted to and approved in writing by the Local Planning Authority as a matter of urgency. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).</p> <p>(ii) Ensure that ecological mitigation and enhancement measures, including a timetable for their implementation, is submitted to and approved in writing by the Local Planning Authority as a matter of urgency. The development shall include measures to provide a "hedgehog highway", bird and bat boxes, and shall thereafter be implemented in</p>

		<p>accordance with the approved details.</p> <p>Comply by 1st June 2022</p> <p>Details Submitted to Planning Dept for consideration</p>
<p>2022\ENQ\00133</p> <p>Land to the south of Halifax Road, Penistone, Barnsley (edged in red on the attached plan). (Residential Development)</p>	<p>The carrying out of any works on the Land associated with the implementation and carrying out of the Development.</p>	<p>Temporary Stop Notice issued 5th April 2022 requiring all works to cease.</p> <p>Case Resolved</p>
<p>2022\ENQ\00184</p> <p>Starling House, Birks Lane, Millhouse Green, Sheffield, S36 9NB</p>	<p>The carrying out of operational development under S55 Of the Town and Country Planning Act; including engineering operations and earthworks thereby altering the profile of the land, causing damage the embankment adjacent the River Don and within the vicinity of the listed bridge "Starling Bridge" ('The Unauthorised Works').</p>	<p>Temporary Stop Notice issued 4th May 2022 requiring all works to cease.</p> <p>Case Resolved</p>
<p>2022\ENQ\00264</p> <p>Former BMBC Garage Site, Bloemfontein Street, Cudworth, Barnsley, S72 8UN</p>	<p>Works pursuant to Planning Permission 2021/0608 granted by the Council on 9th March 2022 subject to conditions, but without key conditions associated with the planning permission being discharged. The works include operational development to the land to implement the permission in the absence of the required Discharge of Conditions. ('The Unauthorised Works').</p>	<p>Temporary Stop Notice issued 16th June 2022 requiring all works to cease.</p> <p>Details regarding asbestos mitigation and pre-commencement conditions agreed, works can recommence subject to these details</p>

<p>2022\ENQ\00276</p> <p>Land to the West side of Clayton Lane, Thurnscoe, Rotherham, S63 0BG</p>	<p>The breach of planning control is the unauthorised change of use of agricultural land for the purposes of the importation of waste material to form an access road to facilitate the stationing of caravans, containers and the storage of vehicles with associated materials</p>	<p>Temporary Stop Notice issued 24th June 2022 requiring all works to cease.</p> <p>Further Legal action being sought.</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>
52 Bank End Rd, Worsbrough Dale	Clearance & maintenance of of Land	3 rd May 2022
7 Fairview Close, Hoyland	Clearance & maintenance of of Land	5 th May 2022

(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

Land between 4 & 6 Albert Street, Cudworth	The material change of use of the land to one of a mixed usage of repair of motor vehicles (B2 General Industrial) and a Sui Generis use for the undertaking of horsebox conversions and the related fabrication of motor vehicles	Appeal Decision issued 11 th April 2022 Appeal allowed
32 Manor View, Shafton	Material change of use of the land and buildings from a detached garage to one of a residential dwellinghouse for human habitation (C3: Dwellinghouse Use Class).	Appeal Decision 22 nd April 2022 Enforcement Notice quashed
94 Doncaster Road, Darfield	The material change of use of the land and buildings from a detached garage to one of a residential dwellinghouse for human habitation (C3: Dwellinghouse Use Class).	Appeal Decision issued 6 th June 2022 Appeal dismissed

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/>

Conclusion

Quarter 1 of 22/23 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 now ranks 7th highest nationally in terms of formal actions taken to ensure effective enforcement. The service has issued 63 enforcement notices in the last financial year (2021/22) 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