

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING ENFORCEMENT SUMMARY 2014**

1. OBJECTIVE AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Planning Committee of the facts and figures accomplished by the planning enforcement team.
- 1.2 To highlight specific successes that have been achieved.

2. BACKGROUND INFORMATION

- 2.1 The planning enforcement team consists of one enforcement officer and one enforcement assistant who is currently carrying out enforcement officer duties on an honorarium basis. Currently there is no assistant, although the post has been advertised and an appointment may be imminent.
- 2.2 Planning enforcement duties comprise (inter alia) receiving and investigating all allegations of unauthorised developments, including building work, changes of use, signage, works to listed buildings, works to protected trees, non-compliance with conditions of planning approvals and untidy land and buildings.
- 2.3 Annex A attached to this update shows in the first three columns the total number of complaints received, planning contraventions identified and complaints resolved per quarter and annually. The figures work on a rolling basis as a complaint received (for example) in March may not be resolved until a later quarter.
- 2.4 In comparison to the previous year's summary (2013) attached to this update as Annex B, it is evident that whilst the number of complaints received for investigation have remained almost exactly the same, the number of contravention files opened and complaints resolved have fallen by 20-30%. This is directly attributable to the reduction in enforcement officer staffing from three enforcement officers and an assistant in 2013, to one enforcement officer and one enforcement assistant carrying out enforcement officer duties in 2014/2015.
- 2.5 The following columns (of Annex A and B) show the nature of the formal action that has needed to be undertaken to seek to resolve those unauthorised developments which officers have not been able to resolve informally with the developer.

- 2.6 The final column shows the number of sites proactively monitored in order to ensure compliance with any conditions attached to a planning consent. Work within the enforcement team is prioritised to deal with the most urgent business. Currently, monitoring of planning conditions is being carried out on a reactive rather than proactive basis.
- 2.7 The enforcement team also has part responsibility for monitoring compliance with Section 106 agreements ensuring that when trigger points are hit community benefits and agreed contributions are provided.

3. SUCCESSES

- 3.1 Whether through taking formal action or seeking to resolve complaints informally, the planning enforcement team has overseen a number of successful outcomes in 2014. Some examples are given below.
- 3.2 The owner of a listed building was successfully prosecuted for non-compliance with a listed building enforcement notice. The notice which required him to replace the unauthorised uPVC windows and doors with timber counterparts had not been complied with despite numerous reminders - the courts fined the property owner £10,000 and ordered him to pay £200 costs. The fine was reduced on appeal to £2000.

Please note that any fines levied by the Courts do not go to the council but are retained by the Courts.

- 3.3 The owners of an occupied property whose front and rear gardens had become severely overgrown and was cluttered with rubbish were advised to remedy the untidy appearance of the property, or face the prospects of being served with a formal notice. In this instance the informal approach was successful and the property was satisfactorily tidied. Before and after photographs are attached at Annex C.
- 3.4 A swathe of unlawful signs in Brigg were removed or made lawful (by means of application) following informal contact with the relevant businesses and/or landowners.
- 3.5 A hand car wash operation which consistently flouted conditions of their planning permission were threatened with the prospect of a formal notice, as were the owners of the land. Between the owners of the land and the enforcement officer this was resolved by the voluntary cessation of the use.

4. OPTIONS FOR CONSIDERATION

- 4.1 This report is for noting only.

5. ANALYSIS OF OPTIONS

- 5.1 Not applicable.

6. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

6.1 Financial

6.1.1 Within Development Control budget.

6.2 Staffing

6.2.1 As reported in the 2013 Enforcement Summary, the Senior Enforcement Officer retired in September 2013. Since that time a planning enforcement officer has also left post as noted in paragraph 2.1 of this report. This leaves only two members of staff undertaking planning enforcement duties.

6.2.2 Currently, the Enforcement Assistant is carrying out enforcement officer duties on an honorarium basis for a fixed term.

6.2.3 The Enforcement Assistant post is expected to be filled on a fixed term within the next six weeks.

6.2.4 Once the enforcement team is up to its full complement of staff of two enforcement officers and an assistant (as imposed by the review), the number of complaints resolved should, in theory, return to the level seen throughout 2014. The enforcement process has been reviewed to ensure officer time is dedicated to complaints which require council intervention whilst retaining service quality.

6.3 Property

6.3.1 Not applicable.

6.4 IT

6.4.1 Not applicable.

7. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

7.1 The planning and enforcement service is a statutory function which impacts on many areas of the environment, crime and disorder and affects all areas of the borough and its population.

8. OUTCOMES OF CONSULTATION

8.1 Not applicable.

9. RECOMMENDATIONS

9.1 That the planning committee accept the report.

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PLANNING ENFORCEMENT SUMMARY 2014

	Complaints Received	Contravention Files Opened i.e complaint substantiated (some may relate to older complaints)	Complaints Resolved unsubstantiated, consent granted or use/development ceased (some may relate to older complaints/contraventions)	Enforcement Notices issued	S215 Notices Issued	Breach of Condition Notices Issued
2014						
Jan-March	154	35	95	2	1	0
Apr-June	197	43	111	1	1	1
July-Sept	209	54	133	0	0	0
Oct-Dec	121	38	99	4	1	1
Total	681	170	438	7	3	2

	Listed Building Enforcement Notices Issued	Stop Notices Issued	Prosecutions	Formal Cautions Administered	Proactive site condition monitoring
2014 continued					
Jan-March	0	0	1	0	0
Apr-June	0	0	3	0	0
July-Sept	0	0	0	0	0
Oct-Dec	0	0	0	0	0
Total	0	0	4	0	0

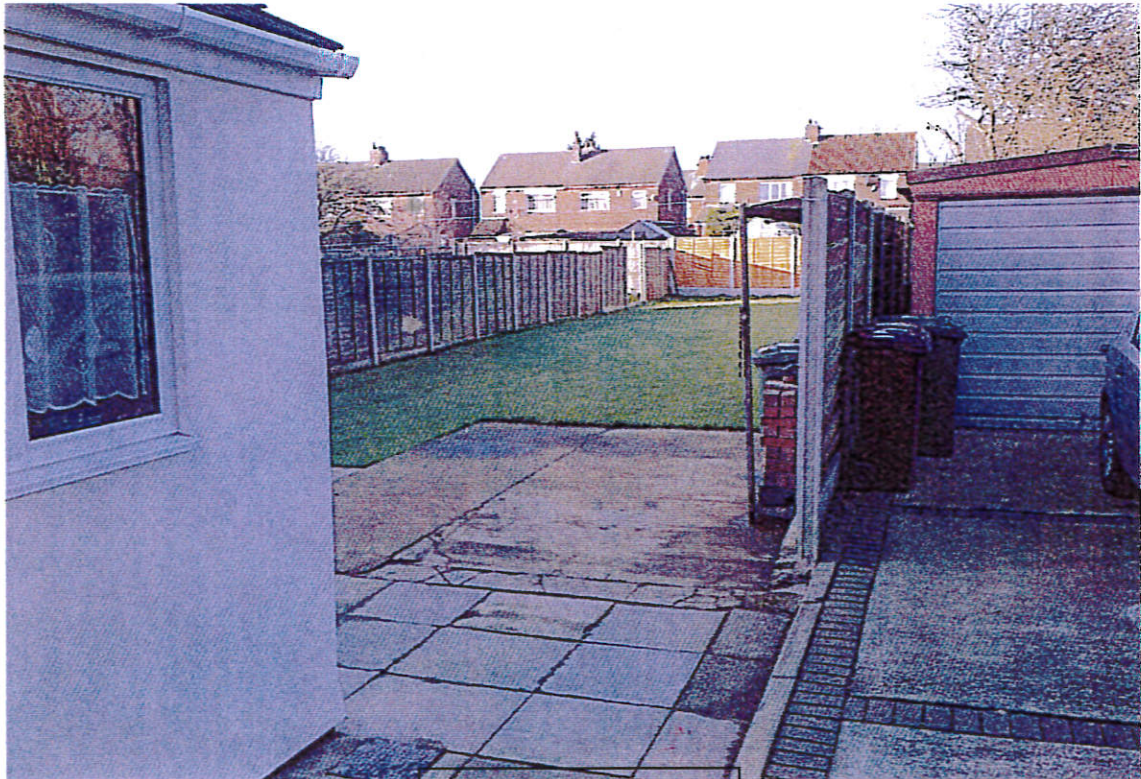
PLANNING ENFORCEMENT SUMMARY 2013

	Complaints Received	Contravention Files Opened i.e complaint substantiated (some may relate to older complaints)	Complaints Resolved unsubstantiated, consent granted or use/development ceased (some may relate to older complaints/contraventions)	Enforcement Notices issued	S215 Notices Issued	Breach of Condition Notices Issued
2013						
Jan-March	174	67	120	2	0	0
Apr-June	163	54	139	2	2	0
July-Sept	188	58	184	0	8	0
Oct-Dec	152	33	150	0	0	0
Total	677	212	593	4	10	0

	Listed Building Enforcement Notices Issued	Stop Notices Issued	Prosecutions	Formal Cautions Administered	Proactive site condition monitoring
2013 continued					
Jan-March	0	0	0	0	192
Apr-June	0	0	0	0	187
July-Sept	0	0	0	2	29
Oct-Dec	0	0	1	0	0
Total	0	0	1	2	408



BEFORE



AFTER