



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

20 November 2018

WARDS AFFECTED: All Wards

Planning Enforcement Update

Report of Interim Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Members on the number of active and closed enforcement cases within the borough.
- 1.2 To provide an update on the current workload being handled by the team.
- 1.3 To provide an overview of the performance of the compliance, monitoring and enforcement function within the planning and development service.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

3.1 Good Friday Caravan Site

I can now advise the works at Good Friday have been completed and all invoices received and paid. Japanese Knotweed treatment was required and this has also now been carried out.

The breakdown was:

| | |
|------------------------------------|------------|
| Court Costs awarded | £3,598.00 |
| Initial removal and site clearance | £5,773.38 |
| Restoration costs | £32,473.64 |

Legal Services are seeking recovery of this money from the registered owner of the site.

3.2 Newton Linford Lane, Groby (Known as Klondyke)

As previously reported, an appeal was lodged in response to the service of an enforcement notice on the bottom section of the site relating to the unauthorised use

of the land for the storage and repair of motor vehicles; this appeal would have been heard by way of Public Inquiry. However, it has now been withdrawn and the owner of the site has committed to complying with the requirements of the Notice. A site visit is arranged for mid November to check on progress.

Since the previous report; there have been several instances of tipping on a section of the site. The Environment Agency is taking the lead on this and we are working with the EA and the County Council to ascertain what action is necessary.

Various other pieces of work are also being actioned on the site; including service of Section 330 Notices; requiring information to be provided in relation to the ownership and use of certain sections of the site which are unregistered to ascertain whether there are further planning breaches which need to be addressed.

3.3 Land at the rear of 84 Leicester Road, Hinckley

Following refusal of the planning application on the site for 7 dwellings; an enforcement notice was served to require the removal of building materials being stored on the site. The date for compliance with this Notice is 8th December 2018. A site visit will be undertaken to check compliance following this date. No appeal has been received as yet either in relation to the enforcement notice or the planning refusal.

3.16 Veros Lane

An enforcement notice was served in relation to the creation of an area of hardstanding which has been laid without the benefit of planning permission. The enforcement notice was not appealed and the hardstanding should therefore have been removed by 10th June 2018. In the meantime however, a planning application has been submitted for the erection of three dwellings on this piece of land. As a result, further action on this case will await the determination of the planning application.

74 Alexander Avenue, Earl Shilton

Planning permission for the retention of a garage was refused and subsequently upheld on appeal on the basis that the garage has a detrimental impact on the character and appearance of the surrounding area. An enforcement notice has therefore been served requiring the garage and all associated materials be removed from the land. The time for compliance with this notice was three months; which gives the owners of the property until the 7 January to carry out the required works at which point a site visit will be carried out.

5 Church Walks

A retrospective planning application was received for the use of an area of land adjacent to 5 Church Walks, Stoke Golding for the storage of building materials which was subsequently refused due to the impact on the Conservation Area and adjacent Grade I Listed building. An Enforcement Notice was then served in relation to the unauthorised use of land; the notice was complied with and the site has now been cleared of building materials.

3.16 S215 – Untidy Land Notices

From 1st July 2018 to 31st October 2018; the council received 14 complaints in respect of the appearance of properties around the Borough. In one of these cases; a S330 Notice has been served which is the step prior to formal S215 action; should the owner fail to tidy the site within the required timescales we will proceed to serve a S215 Notice. One report of untidy sites related to construction sites and six other cases were not considered notice worthy at this time. In these instances; we ask the complainant to continue to monitor the site in question and get back in touch e.g. if the state of the land deteriorates further or if the site is not left tidy following completion of construction work. Two sites were tidied up following initial contact from an Officer with no requirement to take formal action. Four properties are still under investigation.

4.0 WORKLOAD, STAFFING UPDATE & PERFORMANCE

4.1 The following tables detail the current workload that the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within a specific period and how many cases have been closed within the same period. The team ensures that enforcement cases are resolved as expeditiously as possible. Table 2 sets out in more detail how the cases were closed. As of the 8 November 2018 there are 147 enforcement cases pending consideration.

Table 1: Number of Enforcement cases opened and closed

| Period of time | Number of cases opened | Number of cases closed |
|--------------------------------|-------------------------------|-------------------------------|
| 20 June 2018 – 6 November 2018 | 170 | 169 |

Table 2: How the enforcement cases were closed

| Period of time | Total Cases closed | Case closed by resolution of breach | Case closed due to there being no breach | Case closed as not expedient to take action |
|--------------------------------|---------------------------|--|---|--|
| 20 June 2018 – 6 November 2018 | 169 | 43 | 102 | 24 |

4.3 The approach to tackling enforcement cases continues to be a collaborative one; involving joined up working with other service areas within the council. A series of briefing notes are in production which will outline the role of each department on common areas of complaint and seek to better inform staff, members and members of the public of the powers available to the Local Authority and therefore who it is best to direct an enforcement enquiry to. We also continue to attend the Endeavour meetings to discuss matters of Community Safety with other colleagues and the Enforcement Officers Group for Leicestershire Local Authorities as a forum to share experiences and best practice. In addition, officers involved in Enforcement across the Local Authority meet regularly to discuss cases and ensure that all relevant areas are taking the required action.

4.4 We have recently recruited Sally Hames to the vacant Senior Enforcement Officer role on a long fixed term consultancy basis. Sally has worked for Blaby and North West Leicestershire previously and has a wealth of experience working in Planning Enforcement so should be a real asset to the team. As always, should members have a Planning enforcement issue raised with them by a member of the public please report this via the enforcement inbox enforcement@hinckley-bosworth.gov.uk.

5. FINANCIAL IMPLICATIONS [CS]

5.1 Any costs recovered relating to the Good Friday Caravan Site will be credited to the general fund.

6. LEGAL IMPLICATIONS

6.1 None

7. CORPORATE PLAN IMPLICATIONS

The 2017-2021 Corporate Plan sets out ambitions for improving neighbourhoods, parks and open spaces, improving the quality of homes and creating attractive places to live (Places theme). It also promotes regeneration, seeks to support rural communities and aims to raise aspirations for residents (Prosperity theme). This report explains how planning enforcement powers are being used to deliver these aims.

8. CONSULTATION

None

9. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

| Management of significant (Net Red) Risks | | |
|---|--|---------------|
| Risk Description | Mitigating actions | Owner |
| Dealing with numerous Public Enquiries | Monthly monitoring of implications on revenue budget by Head of Service and Service Manager. Review and forecast overspend and review supplementary estimate/virement as part of budget review. Constant review of budget for public enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions | Rob Parkinson |

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes to update Members on the progress of recent enforcement cases. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

11. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Voluntary Sector

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