



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

25 June 2019

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**

Newton Linford Lane, Groby (Known as Klondyke)

Since the previous report an external specialist company has been contracted to provide support in relation to this ongoing case. The piece of work will be to review the current uses of the site from the Councils records and observations, to identify those elements where enforcement action can be taken, together with the production of suitable legal notices as required. This work is currently underway and once finalised the company will identify the options available to the council. Once received the Council will determine which element it wishes to see action taken over, including but not limited to the removal of unauthorised development and costs to take such action and provide any necessary ongoing instructions.

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 has been undertaken which has confirmed that the notice has not been complied with, however the applicant has appealed the refusal and all action has been held in abeyance pending its determination. An appeal decision has been received, the inspector dismissed the appeal on the 8th June. A month has been given (until 8th July), from the appeal decision date, to the land owner to comply with the enforcement notice.

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. Planning application 18/00942/OUT for the erection of three dwellings on this piece of land was refused and no appeal submitted. As a result the planning enforcement team will be undertaking a site visit following which they will be seeking a legal on any possible further enforcement action.

74 Alexander Avenue, Earl Shilton

Following a letter to the owner the garage has been removed however the blue bricks are still in situ and therefore the owner has been given a deadline for these to be removed to comply fully with the requirements of the enforcement notice

Kirby Vale, Nock Verges

This case is subject to a mutli agency investigation into various issues on the site the details of which cannot be shared at this time.

Land North of Leicester Road, Groby.

Work has commenced in regards to this residential development and will form part of an open investigation to address any reported alleged breaches of planning control

Old Woodlands Farm, Ratby

Following refusal of 18/00843/FUL for the change of use of the woodland to leisure/camping site including access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds, the applicants have confirmed they will be submitting a revised scheme. However the case still forms part of an ongoing investigation into the use of the woodlands by 'Go Wild Camping' which includes people erecting tents overnight and the siting of a large storage container for forestry equipment

32 Main Street, Thornton

A prosecution file has been compiled for non compliance with an Enforcement Notice served seeking removal of 3 shipping containers. This file is currently with the Councils legal team.

Crown Crest, Desford

Following reports of breaches to approved delivery times the site was monitored over several weekends and a site examination of the operators CCTV footage undertaken. This showed only a handful of breaches over a 3 month period of approximately 5 minutes in each case. However the owners have confirmed that a new new CCTV camera and point to point beam is to be fitted at the entrance barrier. The site is also subject to a pending planning application to extend the permitted days and hours for deliveries.

Manor Hill Farm

The site has been subject to weekly monitoring over a 2 month period which forms part of an ongoing investigation into alleged breaches of planning control. A meeting with the site owner has resulted in the agreed submission of planning applications by the owner in an attempt to address those breaches

Untidy Sites

From 1st November 2018 to 30 April 2019; the council received 21 complaints in respect to untidy land within the Borough. The planning enforcement team have successfully introduced the use of Community Protection Notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014² came into effect in England and Wales on 20 October 2014, to resolve matters relating to untidy site. Community Protection Notices are intended to stop a natural person or a body (eg a legal person such as a business) continuing with conduct which unacceptably affects victims and the community. They can be used in circumstances where there are reasonable grounds to believe the subject's conduct:-

- is having a detrimental effect on the quality of life of those in the locality, and
- is unreasonable, and
- the behaviour is of a persistent or continuing nature.

Before a Community Protection Notice can be issued, the subject must be given a written warning stating that a Community Protection Notice will be issued unless their conduct ceases to have the detrimental effect

4.0 RECENT SUCCESS STORIES

59 Northfield Road, Hinckley

This is a historic untidy land case, where the owners had permission for a two storey extension that remained uncompleted with rusting scaffolding to the front and side. The recent service of a Community Protection Warning letter has resulted in the front scaffolding being removed and the extension near completion following which the side scaffolding will also be removed.

10 Gowrie Close, Hinckley

Following reports that this residential property was being used as offices an officer undertook a site inspection which confirmed the property was being used solely as offices with several employees. Following this visit a letter was sent to both the owner of the property and the company using it, requesting they cease the use within a required timeframe. Officers revisited the property to establish if the use had ceased but were refused entry. Following this a Section 196A Right of Entry letter was had delivered to the property informing the occupiers that officers would be visiting the site at a predetermined date and time. The occupiers then instructed their legal advisors to contact the Council, following which a further visit confirmed that the unauthorised use had ceased and the office equipment removed.

187 Markfield Road, Groby

This case related to a row of conifers to the rear of the site causing light problems to the neighbouring property. A High Hedges Remedial Notice was served on the owners requesting that the conifers were reduced in height, however the owner only complied with part of this legal Notice. After several assurances that the work would be undertaken, a letter was sent to the owner giving a final deadline to fully comply and advising that failure to do so would result in prosecution proceedings. Following this final letter the owner undertook the further works and has now fully complied with the Notice.

223 Markfield Road, Groby

This is another longstanding case in regard to the siting of a storage container on the land and the erection of a large outbuilding. The owner subsequently submitted a planning application to retain the outbuilding which was approved and following requests to remove the container a recent site visit has confirmed that it is no longer in situ.

98 Wood Street, Earl Shilton

This is a recent case involving a property in a prominent location in Earl Shilton, which has been changed to a tattoo parlour. The front façade was painted purple with artist impressions of tattoos forming a large advertisement within it. It was also noted that additional unauthorised adverts were being displayed. The owners were notified that the front of the property was unacceptable, following which the façade has changed colour from purple to black and certain aspects of the artist impression painted over to ensure compliance with the 2017 Advertisement Regulations. Several additional unauthorised advertisements have also been removed and a planning application submitted to retain the use of the property as a tattoo parlour

5.0 WORKLOAD, STAFFING UPDATE & PERFORMANCE

- 5.1 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 expediently as possible. Table 2 sets out in more detail how the cases were closed. As of the 30 April 2019 there are 139 enforcement cases pending consideration.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases opened	Number of cases closed
1 February 2019 – 30 April 2019	111	105

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
1 February 2019– 30 April 2019	105	37	51	17

- 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. We also continue to attend the quarterly Planning Enforcement Forum Group for Leicestershire Local Authorities to share experiences and best practice.
- 4.4 Sally Hames has taken on the role of Planning Enforcement Team Leader until 31 January 2020, however the role of Senior Planning Enforcement Officer still remains vacant. Sally has a wealth of planning enforcement experience and has worked for several local authorities in Leicestershire, Northamptonshire and Nottinghamshire. As well as dealing with some of the more complex cases she has been tasked to train and mentor the enforcement officers within the team, produce a Local Enforcement Plan and improve customer information on the Councils website. As always, should members have a Planning enforcement issue raised with them by a member of the public please ensure this is not reported directly to officers of the team but via the enforcement inbox which has a new email address: planningenforcement@hinckley-bosworth.gov.uk

5. FINANCIAL IMPLICATIONS [TF]

- 5.1 None

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	N. Smith

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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