



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

17 September 2019

WARDS AFFECTED:

All Wards

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### Planning Enforcement Update

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#### Report of Planning Manager

##### 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)

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 Council's records and observations, to identify those elements where enforcement action might 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 service of the enforcement notice and the dismissal of their latest appeal the owners of the site have removed the storage containers from the land however the materials still remain in situ and therefore they have been given a final deadline for these to be removed was 31<sup>st</sup> August 2019

#### Kirby Vale, Nock Verges

A multi-agency site visit was undertaken during which it was noted that breaches of planning control were occurring on the site. Following this visit a letter was sent to the owner highlighting the breaches and giving a timeframe in which to resolve the matter. Further to this the owners agent has advised that they will be submitting planning applications in an attempt to regularise the breaches.

#### Land North of Leicester Road, Groby.

Work has commenced on site in relation to the approved residential development. An open investigation will be maintained to address any reported alleged breaches of planning control

#### Old Woodlands Farm, Ratby

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. However following refusal of 18/00843/FUL the owners have submitted a revised planning application for which we are awaiting further information to enable its validation. Legal advice has also been on taking enforcement action, who have advised that such action would be unreasonable at this time. The Council's anti-social behaviour team have been informed of concerns raised by local residents in terms of the behaviour of some individuals using the campsite.

#### Ivy House Farm

This is a long standing enforcement case with regard to the storage of an excessive amount of items both on fields and within agricultural buildings. The owner has been working with the case officer to remove items, however the owner is terminally ill and as such the Council are withholding taking any formal action at this time.

#### 32 Main Street, Thornton

A Court Hearing was held at the end of August for prosecution of the owners for non compliance with the Enforcement Notice.

#### Crown Crest, Desford

This investigation is still ongoing and is running in parallel to the determination of planning application 19/00253/CONDIT to extend the permitted days and hours for deliveries to and from the site.

### Manor Hill Farm

Planning applications have now been submitted by the owners in an attempt to regularise all matters on the site, all action will now be held in abeyance pending the determination of the planning applications.

### Untidy Sites

From 1 May 2019 to 31 July 2019 the Council received 8 complaints in respect of 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 2014 which came into effect in England and Wales on 20 October 2014, to resolve matters relating to untidy sites. 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**

### Oak Tree House, Cadeby Hall

Following the Public Inquiry into the unauthorised erection of a dwelling, The Planning Inspectorate dismissed the appeal and upheld the notice. The owners have subsequently been advised that they have until early next year in which to fully comply with the requirements of the notice which includes demolition and removal of the dwelling and ancillary structures.

### 40 Highfields, Thornton

Following The Planning Inspectorate's decision to dismiss the owner's appeal against the refusal of planning application 18/01098/HOU for retrospective approval for a balcony to the rear of the property, a letter has been sent to the owners to inform them that the enforcement notice, which requires removal of the balcony and all associated materials by the end of October 2019, must be complied with.

### Choyces Rough, Cow Lane, Ratby

A report was received that an extension was being built to a greater depth than approved. Following a site visit the owners submitted a planning application to regularise the works in July 2019 which is awaiting determination.

### Atherstone Stable, Atherstone Road

Reports were received that a stable were being used for residential accommodation, the planning enforcement team's involvement has resulted in the tenants leaving the

site and all residential use ceasing. The owners have now applied for a tea room and shop from the site.

#### Lychgate Lane, Burbage

Following reports of land clearance and footings for a building taking place within woodlands, an immediate site visit confirmed works were taking place on the land in breach of planning control. The owner was located and confirmed that they were clearing the site and the footings were in relation to a log cabin that was being erected on the site to facilitate its use as an educational facility for children and to house machinery to maintain the land. Given the concerns over the highway access into the site and its proposed intensification, the owners were requested to voluntarily cease all development or face a Temporary Stop Notice. The owners are currently working with the Council and have ceased all development and are in the process of submitting either a pre-application request or a full planning application for all proposed works.

#### 104-106 High Street, Barwell

Reports were received that a fish and chip shop were displaying large advertisement banners on garden land owned by a local care home, highlighting its use as an outdoor seating area for the takeaway. The breach also included several picnic benches and fly posting literature located on the site. The owner of the take-away was requested to cease the use and remove the advertising banners, benches and fly posting literature, which they have fully complied with.

#### Cadeby Court, Sutton Lane

Following reports that accommodation was not being used as ancillary accommodation, a site visit was undertaken during which it was confirmed that the properties had their own front doors and defined curtilages and were being used as 2 independent dwellings. Following this visit the owners have subsequently submitted a planning application to regularise the matter.

#### Townsend Farm, Sutton Cheney

Following reports that a detached oil tank had been installed within the grounds of a listed building a site visit was undertaken and the owners notified that listed building consent was required for the works. The owners subsequently submitted an application which has now been approved.

## **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 31 July 2019 there are 120 enforcement cases pending consideration.

*Table 1: Number of Enforcement cases opened and closed*

<b>Period of time</b>	<b>Number of cases opened</b>	<b>Number of cases closed</b>
1 May 2019 – 31 July 2019	71	99
1 <sup>st</sup> February - 30 <sup>th</sup> April 2019	111	105

*Table 2: How the enforcement cases were closed*

<b>Period of time</b>	<b>Total Cases closed</b>	<b>Case closed by resolution of breach</b>	<b>Case closed due to there being no breach</b>	<b>Case closed as not expedient to take action</b>
1 May 2019 – 31 July 2019	99	39	48	12
1 <sup>st</sup> February -30 <sup>th</sup> 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 and the current planning enforcement officer has now resigned to take up the position of Senior Development Control Officer at a neighboring authority. With only 1 permanent member of staff within the team, the Council is currently looking to recruit a specialist planning enforcement consultant on an initial 3 month contract whilst adverts are placed to try to recruit permanent members of staff to both the Senior Planning Enforcement and Enforcement Officer roles. This, together with the usual summer holiday period, has resulted in the Team Leader having to reallocate her time from proactive work in terms of the Council's website and the production of an Enforcement Plan, to take on additional cases whilst this staffing issue is resolved. The Council is also aware that there is a shortage of experienced enforcement officers both within the county and countrywide with 3 other Leicestershire authorities either currently, or in the process of, trying to recruit to permanent planning enforcement positions.

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](mailto:planningenforcement@hinckley-bosworth.gov.uk)

**5. FINANCIAL IMPLICATIONS [CS]**

5.1 None

**6. LEGAL IMPLICATIONS (MR)**

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
Recruitment & retention of staff	<p>Q1 The following posts are vacant:</p> <ul style="list-style-type: none"><li>- Enforcement Officer: The officer is in their notice period and the post will be advertised.</li><li>- Senior Enforcement Officer: We have been unsuccessful in recruiting and therefore a consultant has been employed in the interim.</li><li>- Enforcement Team Leader: The post was advertised nationally and</li></ul>	Nicola Smith

	<p>no applicants applied, this post is currently being covered by a consultant.</p> <ul style="list-style-type: none"> <li>- Head of Planning: Following two rounds of unsuccessful recruitment to the Head of Planning the role has been covered on an interim basis by the Planning Manager which runs until July 2019.</li> </ul> <p>The job market remains highly competitive with a distinct lack of skilled and available planners which makes recruitment extremely difficult. Measures have been put in place to try to retain staff through the career grade and training opportunities. A review of current recruitment issues to include benchmarking is currently underway.</p>	
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#### 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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