



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

10 OCTOBER 2017

WARDS AFFECTED: All Wards

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### **Planning Enforcement Update**

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#### **Report of Head of Planning and Development**

##### **1. PURPOSE OF REPORT**

- 1.1 To provide an update to Members on the number of active and closed planning enforcement cases within the borough.
- 1.2 To provide an update on the current workload and performance of the planning enforcement service.

##### **2. RECOMMENDATION**

- 2.1 That the report be noted.

##### **3. PLANNING ENFORCEMENT CASE UPDATE**

###### **3.1 Good Friday Caravan Site**

On 22 June 2017 the council attended Leicester County Court and obtained an interim injunction in respect of the Good Friday Caravan Site. The injunction (pitches 3, 4, 5, 7 and 8), forbidding new residents/caravans/motor vehicles from occupying the pitches which were not part of the appeal proceedings. At the time that the proceedings were first issued, the appeal site pitches were not included because the planning appeal decision was still pending. Following dismissal of the appeal; the council will make an application to the court to include the appeal site pitches into the current proceedings.

The interim injunction is only a temporary measure; it will stay in force until the date of a trial at which the council will seek a final injunction which would prohibit residential occupation of the entire site. The court has not yet listed when trial will be but we expect it to be listed for September /October. We have no influence over when a matter is listed for trial; ultimately it is down to court capacity and judge

availability. Assuming we are successful at trial, and are awarded a final injunction order on the terms sought, the judge will set a date by which the Good Friday residents would have to vacate by. This date is set by the judge and is discretionary.

### 3.2 Land North West of Cold Comfort Farm, Rogues Lane, Hinckley

An application to vary a condition of the original temporary planning permission to allow for the siting of a further mobile home on site was recently refused. It was considered that the addition of a third static caravan would cause harm to the character and appearance of the open countryside. Consideration was given to the previous appeal decision and the personal circumstances of those living on the site however no justification for this additional caravan over and above the existing facilities on site was provided to outweigh the harm to the countryside.

### 3.3 Newton Linford Lane, Groby (Known as Klondyke)

An Enforcement Notice has been served in relation to the unauthorised change of use of part of the site from allotment garden to use for vehicle maintenance and storage. The appellants have a month in which to lodge an appeal; the Notice will take effect on the 5<sup>th</sup> November.

### 3.4 19 Sycamore Drive, Groby

A second enforcement notice which required the removal of temporary fencing erected behind the permanent one metre high fencing has not been complied with within the required time scales. As a result; the Council are now taking prosecution action against the owner for failing to comply with the notice.

### 3.5 Dalebrook Farm, Earl Shilton

A Planning application for residential development of the site was submitted for consideration and is due to be determined by Planning Committee on 10<sup>th</sup> October. During the course of the application the owner advised that he would be siting a number of caravans on the land for 'security' purposes as he had been notified of an impending incursion by the travellers who had previously occupied the land without permission. The owner informed the Local Authority that this is a short term measure and it is anticipated that the travellers will have left the site by the beginning of October.

### 3.6 Fir Tree House, Stanton under Bardon

On the 8 October 2015 planning permission was granted for the "Conversion of livestock shed to dwelling, erection of double garage and works to driveway and access". Following a site visit to the property it was evident to the Council that the original building was not being converted and had actually been partially demolished and then re built on the same footprint.

Therefore on the 26 July 2017 the Council issued the owners with a Temporary Stop Notice in order to stop all works on site and to gather further details from the owners in regard to the works being carried out. The Temporary Stop Notice has now expired, and the Council are working with the owners to find a way forward on this site. The owners have agreed with the Council to undertake no further work on site until a solution has been agreed with all parties.

3.7 17 Byron Street, Barwell

On the 21 August 2017 the Local Planning Authority issued an enforcement notice to remove an unauthorised decking area to the rear of the property. The owner has the right to appeal the notice and an appeal should be lodged by the 21 September 2017. No appeal has been lodged and the raised decking area has to be removed by the 21 November 2017.

3.8 Pretty Oak Farm, Stoke Golding

On the 21 August 2017 the Local Planning Authority issued an enforcement notice to remove a marquee. The owner has the right to appeal the notice and an appeal should be lodged by the 21 September 2017. No appeal has been lodged and the marquee has to be removed by the 21 October 2017.

3.9 2 Barton Road, Market Bosworth

On the 21 July 2017 the Local Planning Authority issued a tree replacement notice on the owners of 2 Barton Road, Market Bosworth. Following discussions with the owner it was evident that a tree had been removed which was located in the Conservation Area without notification of the proposed works to the Council. Therefore a notice has been issued to replace the tree.

No appeal has been lodged and the notice is now active. The owner has until the 21 October 2017 to re plant the tree. If the trees have not been replanted then the Council will have to consider whether to prosecute or to undertake direct action and replant the trees.

3.10 123 Stamford Street, Ratby

On the 7 June 2017 the Local Planning Authority issued the owner with an enforcement notice to cease the operation of a dog breeding business from this residential property. The owner has not appealed the enforcement notice and it is therefore now an active notice. The owner must cease using the residential property as a dog breeding business by the 7 October 2017. If the business does not cease by this date then the Council will either prosecute the owner or undertake direct action to ensure that the notice is complied with.

3.11 2 Drayton Lane, Fenny Drayton

On the 7 September 2017 the Local Planning Authority issued the owner with an enforcement notice to remove an unauthorised fence and to ensure that the boundary hedge; which was to remain; as part of the original permitted scheme is re planted. The owner has the right to appeal the enforcement notice and an appeal must be lodged by the 7 October 2017. If no appeal is lodged the owner must remove the fence facing Drayton Lane and re-plant a suitable hedge boundary by the 7 January 2018.

3.12 223 Markfield Road, Groby

On the 7 June 2017 the Local Planning Authority issued the owner with an enforcement notice to remove a storage container from the site. The owner has appealed this decision to the Planning Inspector. The Council are currently awaiting a start date letter as to when appeal details need to be submitted.

### 3.13 Police Station, Upper Bond Street, Hinckley

On the 19 May 2016 planning permission was granted for the “Change of use from Police Station to 30 residential apartments”. Following a number of complaints received by members of the public and site visits undertaken by officers in the Council it was evident that there were a number of works being undertaken at the site which were not in accordance with the approved plans. Therefore a temporary stop notice was issued on the 28 July 2017 requiring all works on site to cease.

During the period in which the temporary stop notice was in force, discussions took place with the developer in regard to the works required to regularise/rectify the various breaches on site. Following the expiry of the temporary stop notice three separate enforcement notices were issued. The first enforcement notice that was issued requires removal of the unauthorised buildings to the front of the site and the dormer to the rear of the premises. A breach of condition notice was also issued to require the removal of the extension to the rear of the premises, as the materials used do not match the existing property and therefore the extension is required to be re built from materials to match the existing property. The third notice is a further breach of condition notice which is designed to ensure that the bike store within the site is indeed a bike store and not an additional flat.

The Council is in constant communication with the developers on the site to ensure that the remainder of the development is built in accordance with the approved plans. A further application has also been submitted to rectify the issues that were noted internally within the building. It is also noted that the two redundant buildings to the front of the site which was subject to an enforcement notice have now been removed.

### 3.14 Injunctions in Bagworth

In June 2017 the Council experienced a number of unauthorised gypsy and traveller incursions in and around the Bagworth area. On the 26 June 2017 the Council was granted interim injunctions on the site at Tara House and Heath Road, Bagworth. These injunctions are now in place and as a result if further incursions should occur both the owner of the site and/or the occupiers could be prosecuted.

### 3.7 S215 – Untidy Land Notices

During period between 1 May 2017 and 31 August 2017, the council was made aware of 17 untidy properties. Six properties are still under investigation and are considered to be affecting the public amenity of the area and appropriate steps are being taken to ensure that the properties are tidied to an appropriate level with Section 215 Notices to be issued as necessary.

Further to this the Council has also issued a Section 215 Notice on owners of 21 Regent Street, Hinckley. Within the notice the owners are required to remove all the wooden panels from the front elevation and to repaint or replace the fascia's on the front elevation. The Section 215 Notice has not been complied with and the Council are undertaking prosecution action against the owner for failing to comply with the notice.

A Section 215 Notice has been served upon owners of 59 Northfield Road, Hinckley. This is a property which was granted planning permission in 2011 to undertake extensions and alterations. Works have been ongoing at an extremely slow rate for over 6 years. A notice has been served to ensure that the building works are completed within four months. If an appeal is not lodged then the works should be

complete by 24 December 2017. If the works have not been done by this timeframe then the Council will either prosecute the owner or undertake direct action to ensure that the notice is complied with.

#### **4.0 WORKLOAD & PERFORMANCE**

4.1 The following tables show the current work load the service is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within that period and how many cases have been closed. The team ensures that enforcement cases are resolved as expediently as possible. Table 2 shows in more detail how the cases were closed. This table demonstrates that the majority of cases that have closed are either through negotiation, or by retrospective planning applications being received and approved. As of the 31 August 2017 there are 211 enforcement cases; however a number of these are currently dormant i.e. awaiting further information or subject to ongoing monitoring to collate evidence. A proactive approach is being taken to ensure cases are resolved as promptly as possible, using all available powers where appropriate.

*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 April 2017 to 30 June 2017	107	115
1 January 2017 to 30 March 2017	99	112
1 October 2016 to 31 December 2016	86	99

*Table 2: How the enforcement cases were closed*

<b>Period of time</b>	<b>Total Cases closed</b>	<b>Case closed by resolving breach</b>	<b>Case closed by not being a breach</b>	<b>Cases closed by being Permitted Development</b>
1 April 2017 to 30 June 2017	115	43	67	5
1 January 2017 to 30 March 2017	112	40	63	9
1 October 2016 to 31 December 2016	99	42	49	8

4.2 From April 2017, additional targets are being used to monitor quality within the service. A new target is in place that requires 80% of enforcement cases be closed within 21 days when there is no breach of planning control.. The second target is to ensure that an enforcement case is closed within 28 days if there is a breach of planning control but it is not considered expedient to take enforcement action. A final

target is that in 80% of enforcement cases, action will to be taken within 28 days if it is expedient. These targets are being achieved for all three categories.

- 4.3 The approach to tackling enforcement cases will continue to be a collaborative one; involving joined up working with other service areas within the council to find solutions. An enforcement group operates across Leicestershire Local Authorities as a forum to share experiences and best practice.

**5. FINANCIAL IMPLICATIONS [TF]**

- 5.1 None

**6. LEGAL IMPLICATIONS 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 sets out 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	Rob Parkinson

	enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions	
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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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