



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

7 January 2020

WARDS AFFECTED:

All Wards

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### Planning Enforcement Update

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#### Report of Planning Manager Development Management

##### 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)

- 3.1 An external specialist company has been contracted to provide support in relation to this ongoing case. This piece of work has involved visiting the site, speaking to the relevant owners/occupiers and reviewing the current uses. It has now been established what enforcement action needs to be taken at this stage, which will involve the service of enforcement notices on 2 specific areas within the site. A timeframe will be given for compliance with these notices and the recipients will also have the option to challenge them through the appeals process. Should an appeal not be forthcoming and the recipients fail to comply with the notices then the Council will consider further action, including but not limited to the removal of unauthorised development on the site.

#### Land at the rear of 84 Leicester Road, Hinckley

- 3.2 Prior to a proposed Court hearing the owners complied with the enforcement notice and removed the building materials from the site. They also paid the Councils legal costs in full for the intended prosecution. Following this it has been established that waste materials still remain on the land which will be subject to a Community Protection Warning Notice seek their removal.

#### Kirby Vale, Nock Verges

- 3.3 The site is now subject to a retrospective planning application.

#### Old Woodlands Farm, Ratby

- 3.4 Following a further planning refusal on the site, the owners have gained an exempt licence from Woodlands Champions Club for the camping operation of up to 10 tent pitches. This exemption takes the camping element of the unauthorised use out of the control of the local planning authority and as such any breaches of this certificate will be investigated by the exemption organisation. The only remaining breach of planning control is in relation to the storage container in which the owners store forestry equipment. After consultation with the development management team the owners have agreed to paint the container brown to address concerns in regards to its visual impact. Once this has been completed the investigation into this case will be closed, however should the exemption organisation withdraw the certificate due to non compliance with its terms, the local planning authority can re-open and reinvestigate any further breaches of planning control.

#### Ivy House Farm

- 3.5 This is a long standing enforcement case in regard to the storage of an excessive amount of items both on fields and within agricultural buildings. The owner has recently passed away, following which his widow and children are gradually clearing the site with a view to selling the majority of the farmstead. They have also submitted an outline planning application for the erection of two dwellings on the site so they are able to stay, with their families, within the locality.

#### 32 Main Street, Thornton

- 3.6 This site was subject to a successful prosecution for non compliance with the Enforcement Notice. The Courts agreed with the owner of the containers to give an extension to time to remove all the containers and the site will be subject to a site visit in January 2020 to ensure this has been adhered to.

#### Crown Crest, Desford

- 3.7 This investigation is running parallel to the appeal for non determination of planning application 19/00253/CONDIT to extend the permitted days and hours for deliveries to and from the site. The owners are now using an existing access to facilitate these additional deliveries and this element of the case is now subject to Counsels opinion. Members will be updated in the new year following final discussions with legal.

#### Manor Hill Farm

- 3.8 Following the approval of various planning applications the investigation into this case has now been closed.

#### Dalebrook Farm

- 3.9 This site has an extant planning permission for 10 pitches for the Gypsy and Traveller community (13/00395/COU). Whilst the site has been subject to 2 sets of travellers temporarily residing on the site within the last 6 months, this has been primarily by the same family who periodically visit the site for a few weeks. Whilst it is acknowledged that some of the conditions forming part of this planning permission are yet to be complied with, the temporary nature of the caravans using the site results in any breaches ceasing once the site has been vacated. Should the current owner, or any subsequent owner, commence use of the land for the permanent occupation of the approved 10 pitches then this will form part of an investigation into non-compliance with the aforementioned conditions.

#### Cadeby Hall

- 3.10 Following the Planning Inspectorates dismissal of the owners appeal against the enforcement notice on the site and the recent planning refusal of 19/01001/FUL for a detached bungalow, the owners have been reminded that the Council will be seeking full compliance with the Enforcement Notice, which seeks removal of the works for the construction of a dwellinghouse and ancillary structures including walls, by 8<sup>th</sup> January 2020.

#### Beechwood Farm

- 3.11 This case centres on the widening of a vehicular access and new driveway, approved under 18/01061/FUL. Although the works have not been completed in strict accordance with the approved drawing, following consultation with the highway authority who determined there would be no highway safety grounds to resist the access in its current form, it was not considered expedient to pursue enforcement action. This case is now subject to possible Judicial Review proceedings from the complainants Members will be kept updated as to the outcome.

#### Land off Hinckley Road, Stoke Golding

- 3.12 This case is part of a joint investigation with Leicestershire County Council Highway Authority into non compliance by Morris Homes in regard to a pedestrian link and the widening of the current footway on Hinckley Road. Following a site meeting with the technical director at Morris Homes and the Highway Authority, the Highway Authority have agreed that Morris Homes can enter into an urgent s184 major works licence to facilitate the provision of the pedestrian link, whilst they work toward entering into a s278 agreement for the widening of the footway on Hinckley Road.

#### Untidy Sites

- 3.13 From 1 August 2019 to 31 October 2019 the Council received 5 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 2014 which came into effect in England and Wales on 20 October 2014, to resolve matters relating to untidy site. 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**

##### **Land at Moore Road, Barwell**

- 4.1 This site was subject to a longstanding historic case into its use in connection with vehicle repairs, storage and maintenance. An enforcement notice was served in October 2017 requesting cessation of the use and removal of items associated with it. It was established that the site was being informally leased by those responsible for the unauthorised use, however they remained uncooperative throughout the investigation. As such a letter was sent to the owner seeking their co-operation to resolve the matter and highlighting that as the owner they would be subject to any legal action for non-compliance with the enforcement notice. Following this letter a site meeting was arranged with the owner during which they confirmed that they would terminate the lease of the land and request the tenants to remove all the items associated with the unauthorised use, they also agreed that they would remove the fencing that had been erected to screen the unauthorised activities and the lean to which also formed part of the use. A site visit was conducted by an officer of the enforcement team on 2 October 2019 which confirmed full compliance. Pictures taken of the site during the course of the investigation and its successful conclusion are attached to this report.

#### **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 October 2019 there are 128 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 August 2019 – 31 October 2019	78	40
1 May 2019 – 31 July 2019	71	99
1 February 2019 – 30 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 August 2019 – 31 October 2019	40	18	15	7
1 May 2019 – 31 July 2019	99	39	48	12
1 February 2019 – 30 April 2019	105	37	51	17

- 5.2 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.
- 5.3 Sally Hames will continue to take on the role of Planning Enforcement Team Leader until 31 March 2020, however the permanent roles of Planning Enforcement Team Leader, Senior Planning Enforcement Officer and Planning Enforcement Officer still remain vacant. With only 1 permanent member of staff within the team, the Council has employed Will Holloway as a consultant to cover the post of Senior Planning Enforcement Officer. Will has a vast amount of experience and knowledge and is employed until mid February 2020. The Council is now looking to advertise the 3 vacant posts within the team as part of a recruitment exercise to secure permanent officers with the planning service. The service has also been the subject to an audit of its processes and procedures, the results and recommendations of which will form part of the teams development within the coming year.

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)

## **6. 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.

**7. CONSULTATION**

None

**8. 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.

**9. 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.

**10. 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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