



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

3 July 2018

WARDS AFFECTED:

All Wards

Planning Enforcement Update

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 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

As set out within the last report, the site is now empty. Further work is still required to be undertaken on the site to return the site to its original condition. Quotes are being obtained for this work, with further direct action to continue on the site in the next few months.

3.2 Newton Linford Lane, Groby (Known as Klondyke)

As previously reported, an appeal has been lodged in response to the service of an enforcement notice on the bottom section of the site. The notice relates to the unauthorised use of the land for the storage and repair of motor vehicles. Officers are still awaiting a start date for this appeal from the Planning Inspectorate.

An Enforcement Notice has also been served on a separate section of the site in relation to the laying of some hard core. A notice was served on the owner on the 10 April 2018. No appeal has been lodged and the hard standing is required to be removed by the 10 June 2018. At the time of writing; a site visit needs to be

undertaken to ascertain whether the notice has been complied with. An update will be provided to members within the next report.

A Planning Contravention Notice was served on a section of the site on which a caravan is sited; and a response was received which alleges that the caravan has been occupied for residential purposes for the last ten years. On several occasions over the last few years Officers have inspected this caravan; and have previously been informed by the occupant/owner that the caravan was not being used for residential purposes. It is likely therefore that further action will now be required in connection with this. An update will be provided within the next report.

Various other Enforcement work is also being progressed on the site; including the drafting of Planning Contravention Notices to be served on those pieces of land on which there may be breaches of planning control to gather more information regarding the ownership and use of these sections. Again, an update will be provided within the next report.

3.3 223 Markfield Road, Groby

On the 7 June 2017 the Local Planning Authority issued the owner with an enforcement notice requiring the removal of a storage container from the property. The owner appealed this decision to the Planning Inspector who subsequently dismissed the appeal. The owner has now removed the storage container therefore the case can be closed.

3.15 6 Azalea Close, Burbage

On the 15 November 2017 the Local Planning Authority issued the owner an enforcement notice requiring the removal of a fence which had been refused planning permission in October. The owner appealed the enforcement notice; however this was not received by the Planning Inspectorate within the required timescales and was therefore subsequently withdrawn. A site visit was undertaken on the 13th April and the fence had been removed. The enforcement notice has therefore been complied with and this case has now been closed.

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.

3.16 S215 – Untidy Land Notices

During the first half of 2018; the council received 18 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. Three reports 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. Six 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 expediently as possible. Table 2 sets out in more detail how the cases were closed. As of the 19 June 2018 there are 135 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 January 2018 – 31 March 2018	92	66
1 April 2018 – 19 June 2018	103	38

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	Work was deemed to be Permitted Development
1 January 2018 – 31 March 2018	66	15	43	8
1 April 2018 – 19 June 2018	38	2	25	11

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 and the Enforcement Officers Group for Leicestershire Local Authorities as a forum to share experiences and best practice.

4.4 Members may be aware that Craig Allison; Senior Enforcement Officer; left the authority in June; we will be seeking to fill this role within the next few months. In the interim, Lucinda Lee; who is a Senior Enforcement Officer will be joining us in early July on a consultancy basis to bridge this gap. In addition we were successful in appointing Charlie Jones to the vacant Enforcement Assistant post which was previously held by Chris Bell. As always, should members have an 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 [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	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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