

Subject: Enforcement Action

Status: For Publication

Report to: Development Control Committee **Date:** 10th April 2007

Report of: The Head of Planning, Legal and Democratic Services

Portfolio

Holder: Regeneration

Key Decision: NO

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To provide Committee members with an update of the position with regard to the Enforcement Action. As part of the Councils improvements to the Development Control Service the Councils Head of Planning, Legal and Democratic Services agreed with the Portfolio Holder for Spatial Development that it would be useful for members to be made aware of the number of enforcement matters, the stage of the enforcement action and details of any appeals / court hearings pending.

2. CORPORATE PRIORITIES

2.1 The efficient and effective enforcement of Planning Laws in the Borough will contribute to the achievement of several of the Corporate Priorities, in particular the delivery of quality services to our customers, and keeping the Borough clean and green and assisting in regeneration of the Borough.

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendations in this report involve risk considerations as set out below. If the Council does not enforce the risk is one of lack of confidence in the Development Control Service.

4. BACKGROUND/IMPROVEMENTS

4.1 The Development Control Service has recently recruited a Senior Planning Enforcement Officer. This will result in further improvements to the way that we deal with the enforcement action.

4.2 The Cabinet has recently agreed the Council's Enforcement Policy which deals with planning enforcement. This sets out a framework within which the Council will take action and the policy is out to consultation.

4.3 Legal Services have devised an enforcement instructions pack which all enforcement officers use. This enables enforcement notices to be issued and served in a timely manner. Monthly enforcement meetings have been set up between Legal Services and Planning Enforcement. Legal services agree to draft and issue notices within 15 working days of receipt of instructions. By agreeing time limits we can manage expectations and improve service delivery.

4.4 Members attention is drawn to the attached schedule

4.5 Complaints received since 01/01/07 – 121

Complaints cleared since 01/01/07 is 67

Enforcement Notices served 12

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

5.1 No financial implications

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

6.1 Legal Services and Planning have improved ways of working and dealing with planning enforcement matters. This has resulted in more enforcement action being carried out. We have a real team approach.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

7.1 Human resources implications

8. CONCLUSION

8.1 The report details the enforcement action taken

9. RECOMMENDATION(S)

9.1 Members are recommended to note the Report

10. CONSULTATION CARRIED OUT

10.1 None

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Background Papers	
Document	Place of Inspection
Enforcement Notices, etc	Futures Park, Bacup

Address of the Property and Type of Notice Served	Date Instructions sent to Legal Services	Date the Notice was Served	Date for Compliance	Breach of Planning Control Referred to in the Notice	Update
17 Union Road, Rawtenstall. Enforcement Notice	5 th September 2006	11 th September 2006	56 Days from 15 th November 2006 (date notice takes effect)	Unauthorised erection of a garage	Garage Removed
Land Bounded by Thorn Drive and Hawthorne Road, Bacup Enforcement Notice	24 th October 2006	30 th October 2006	28 days from 4 th December 2006 (date notice takes effect)	Unauthorised siting of a compound	Compound Removed
Land situated between Sales's Lane and Crosten Close Road, Walmersley Temporary Stop Notice	15 th November 2006	15 th November 2006	Notice takes effect on the 15 th November 2006 and will cease to have effect on the 15 th December 2006 after which a permanent notice shall be served	Unauthorised engineering operation / access Road	Stop Notice and Enforcement Notice Served – see below
2 Lee Road, Stacksteads, Bacup Enforcement Notice	24 th October 2006	22 nd November 2006	28 days from 22 nd December 2006 (date notice takes effect)	Unauthorised change of use from communal drying recreational area to residential cartilage	Appeal pending

<p>Irwell Springs Mill, Weir, Bacup</p> <p>Stop Notice and Enforcement Notice</p>	<p>14th December 2006</p>	<p>22nd December 2006</p>	<p>Stop Notice took effect on 27th December 2006 requiring immediate compliance.</p> <p>Enforcement Notice took effect on 30th January 2007 requiring immediate, 28 days and 9 months compliance periods</p>	<p>Unauthorised operational development – failure to comply with conditions precedent relating to approval of scheme for diversion of River Irwell and construction of access road.</p>	<p>Complied with</p>
<p>Land situate between Sale's Lane and Croston Close Road, Walmersley, Bury</p> <p>Stop Notice and Enforcement Notice</p>	<p>13th December 2006</p>	<p>21st December 2006</p>	<p>Stop Notice took effect on 26th December 2006 requiring immediate compliance.</p> <p>Enforcement Notice took effect on the 30th January 2007 requiring 56 days and 90 days compliance periods</p>	<p>Unauthorised operational development consisting of creation of unauthorised vehicular access between Sale's Lane and Croston Close Road</p>	<p>Appeal Pending</p>
<p>Land at Roundhill Farm, Roundhill Road, Haslingden</p> <p>Enforcement Notice</p>	<p>28th February 2007</p>	<p>15th March 2007</p>	<p>Will take effect on the 20th April 2007 with 28 days compliance period</p>	<p>Unauthorised operational development – failure to comply with a condition precedent relating to the erection of boundary wall/fence</p>	<p>Notice got to take effect</p>

				between application site and Roundhill Cottage	
Land off Co-operation Street, Rawtenstall Breach of Condition Notice	31 st October 2006	7 th December 2006	Took effect 28 days from service	Contravention of working hours condition	Complied with
160 Fallbarn Crescent, Rawtenstall Enforcement Notice	5 th February 2007	19 th March 2007	Will take effect on the 23 rd April 2007 with 6 months compliance period	Unauthorised conversion of roof space to the bedroom with dormer to the rear	Complied with
Land at 11 Laund Hey View, Haslingden Planning Contravention Notice	3 rd January 2007	8 th February 2007	Information required within 21 days from service	Suspected breach of planning control unauthorised business use from residential property	Information received
Land at Beaufort Road, Weir, Bacup Enforcement Notice	9 th March 2007	23 rd March 2007	Will take effect on the 27 th April 2007 with 28 days and 90 days compliance periods	Unauthorised operational development – failure to comply with conditions precedent relating to scheme of landscaping, scheme for the improvement of Beaufort Road	Part complied with

				between its junction with Beaufort Road and the site entrance and details of footpath link between Beaufort and Weir Lane	
Land at former Snow King Factory, 270 Grane Road, Haslingden Temporary Stop Notice	22 nd March 2007	22 nd March 2007	Took effect immediately	Contravention of working hours condition attached to planning permission	Enforcement team considering case for prosecution