

Subject: Enforcement Action

Status: For Publication

Report to: Development Control Committee **Date:** 13th November 2007

Report of: The Executive Director of Regulatory 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 Executive Directory of Regulatory 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 has resulted in further improvements to the way that we deal with the enforcement action.

4.2 The Cabinet has 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 – 273

Complaints cleared since 01/01/07 is 222 including 34 cases from 2006

Enforcement Notices served 17

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

5.1 No financial implications

6. COMMENTS OF THE EXECUTIVE DIRECTOR OF REGULATORY 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	Town Hall Annexe, Rawtenstall

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
Land situated between Sale's Lane and Croston Close Road, Walmersley. Appeal	13 th December 2006	21 st December 2006	Enforcement Notice took effect on the 30 th January 2007 requiring 56 days and 90 days compliance periods	Unauthorised operational development consisting of creation of unauthorised vehicular access between Sale's Lane and Croston Close Road	Enforcement Notice appealed and case heard on the 21/08/07 Decision, Appeal rejected land to be returned to original state by 30/11/07
2 Lee Road, Stacksteads, Bacup Appeal	24 th October 2006	22 nd November 2006	Enforcement notice took effect on 22 nd December 2006 requiring 28 days for compliance	Unauthorised change of use from Communal drying/recreational area to residential curtilage	Enforcement Notice appealed and heard on the 14/08/07. Decision: Appeal dismissed. Notice amended
Land at Roundhill Farm, Roundhill Road, Haslingden Appeal	28 th February 2007	15 th March 2007	Will take effect on the 20 th April 2007 with 28 days compliance period	Unauthorised operational development – failure to comply with a condition precedent relating to the erection of boundary wall/fence between application site and Roundhill	Appeal Pending

				Cottage	
Land at Bull Hall Barn, Todmorden Road, Bacup Enforcement Notice	11 th September 2007	29 th October 2007	Enforcement notice takes effect on the 4 th December 2007 giving 2 months for compliance	The unauthorised erection of a stage structure in the middle of an agricultural field	Awaiting end of compliance period
Cribden Lane, Rawtenstall Planning Contravention Notice and Enforcement Notice	10 th October 2007	Not yet served	Awaiting service	Unauthorised erection of wooden huts, pens and fencing for the keeping of animals and storage and the unauthorised excavation works of the hillside to form an access road.	PCN completed and returned. Awaiting completion of Enforcement Notice by Legal Department
Former garage at Aitken street, Irwell Vale, Edenfield. Enforcement Notice	3 rd July 2007	Original enforcement notice issued 8 th June 2006	120 days from 08/06/06 Notice Appealed – 120 days from 08/02/07	Partial Demolition of Garage within conservation area without consent and in breach of planning permission	Appeal Dismissed and notice not complied with. Case prosecuted and next court date 26/11/07
40 Tonacliffe Road, Whitworth Tree Preservation Order	27 th March 2007	No Notice served	N/A	Unauthorised felling of 55 trees which were protected by a Tree Preservation Order	Case being prosecuted. Trial date 19/11/07
Land at Beaufort Road, Weir, Bacup	9 th March 2007	23 rd March 2007	Will take effect on the 27 th April 2007 with 28 days and 90 days compliance	Unauthorised operational development by failing to comply	Notice complied with other than footpath which is partially complete and will

Enforcement Notice			periods	with conditions precedent relating to scheme of landscaping and scheme for the improvement of Beaufort Road and the site entrance and details of footpath link between Beaufort and Weir Lane	finish on completion of other work
Land at Ewood Bridge Mill, Blackburn Road Stop Notice and Enforcement Notice	24 th May 2007	9 th July 2007	4 Months from 09/07/07	Unauthorised change of use from agricultural land to commercial use.	Monitoring until the end of compliance period
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	Case being prosecuted. Case management hearing on 26/11/07
Irwell Springs Mill, Weir, Bacup	14 th December 2006	22 nd December 2006	Stop Notice took effect on 27 th December 2006 requiring immediate compliance.	Unauthorised operational development – failure to comply with conditions	Complied with

Stop Notice and Enforcement Notice			Enforcement Notice took effect on 30 th January 2007 requiring immediate, 28 days and 9 months compliance periods	precedent relating to approval of scheme for diversion of River Irwell and construction of access road.	
Land at Hollin Way, Constable Lee Tree Replacement Order	1 st June 2007	19 th June 2006	9 months from the 23 rd July 2007	Protected trees unlawfully removed. Notice to secure replanting	Monitoring as planting season is early November until Mid March
Land at Douglas Road and Tong Lane, Bacup Breach of Condition Notice	29 th June 2007	3 rd August 2007	30 days from service of notice	Contravention of working hours condition attached to planning permission	Development site being monitored until end of construction by Harron Homes
Cuckoo Narr Farm. off Scotland Lane Rossendale Planning Contravention Notice	N/A	27 th September 2007	Return within 21 days	Unauthorised re building of Farm barn	Notice completed. Will be submitting Planning Application
The Linney Cowpe Road Rawtenstall Planning	N/A	18 th October 2007	Return within 21 days	Encroached onto highway and change of use from parking area to garden area	Awaiting return of completed PCN

Contravention Notice					
Holden Mill Caravan Site, Swinnel Brook Park, Grane Road Planning Contravention Notice	N/A	18 th October 2007	Return within 21 days	Unauthorised caravans/mobile homes on site	Awaiting return of completed PCN