

Subject: Enforcement Action

Status: For Publication

Report to: Development Control Committee

Date: 11th March 2008

Report of: Executive Director of Regulatory Services

Portfolio

Holder: Regenerating and Promoting Rossendale

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 matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.
- Delivering Quality Services to Customers (Customers, Improvement)
 - Delivering Regeneration across the Borough (Economy, Housing)
 - Keeping Our Borough Clean and Green (Environment)
 - Promoting Rossendale as a cracking place to live and visit (Economy)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) 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 AND OPTIONS

4.1 The Development Control Service now consists of a Senior Planning Enforcement Officer and a 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.

4.4 Members attention is drawn to the attached schedule

4.5 Complaints received between 01/01/07 and 31/12/07 is 303

Complaints cleared since 01/01/07 is 240 including 38 cases from 2006

Enforcement Notices served 25

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 The financial implications of enforcement have been factored into the annual Council and service department budgets.

6. MONITORING OFFICER

6.1 The report is welcomed and the report shows continued improvement of the Enforcement Section

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 No HR implications at this stage

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

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Either

Background Papers	
Document	Place of Inspection
Enforcement Notices, Stop Notices, Tree Replanting Notices	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 Crosten Close Road, Walmersley. <u>EDEN WARD</u> 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 Crosten Close Road	Enforcement Notice appealed and case heard on the 21/08/07 Decision, <u>Appeal dismissed</u> Land being returned to original state. Schedule of work to be submitted. Prosecution pending
2 Lee Road, Stacksteads, Bacup <u>STACKSTEADS WARD</u> 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: <u>Appeal dismissed</u> . Notice amended. Barrister's advice being sought regarding parking issues.
Land at Roundhill Farm, Roundhill Road, Haslingden	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	<u>Appeal upheld</u> The bottom course of bricks from the previous wall was held to comply with

<u>WORSLEY WARD</u> Appeal				precedent relating to the erection of boundary wall/fence between application site and Roundhill Cottage	condition of erecting a wall to a maximum height of 1.8m
Land at Bull Hall Barn, Bacup <u>GREENSCLOUGH WARD</u> 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	Stage removed. Notice complied with
Cribden Lane, Rawtenstall <u>CRIBDEN WARD</u> Appeal	10 th October 2007	7 th December 2007	7 th January 2008	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.	Enforcement Notice served on 7 th December 2007. Notice of appeal made. Awaiting date of Appeal
Former garage at Aitkin street, Irwell Vale, Edenfield <u>EDEN WARD</u> 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	Case Prosecuted and owner given Conditional Discharge with Court Costs at Rawtenstall Magistrates Court 18/2/08

<p>40 Tonacliffe Road, Whitworth</p> <p><u>HEALEY AND WHITWORTH WARD</u></p> <p>Tree Preservation Order Appeal</p>	27 th March 2007	No Notice served	N/A	Unauthorised felling of 55 trees which were protected by a Tree Preservation Order	Owner Prosecuted and fined with additional Court costs at Rawtenstall Magistrates Court on 19 th November 2007. Owner served with Tree Replant notice which he has now appealed against. Awaiting date of Appeal
<p>Land at Beaufort Road, Weir, Bacup</p> <p><u>GREENSCLOUGH WARD</u></p> <p>Enforcement Notice</p>	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 by failing to comply 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	Notice complied with and footpath is now completed

<p>Land at Ewood Bridge Mill, Blackburn Road</p> <p><u>GREENFIELD WARD</u></p> <p>Stop Notice and Enforcement Notice</p>	24 th May 2007	9 th July 2007	4 Months from 09/07/07	Unauthorised change of use from agricultural land to commercial use.	Land not reinstated and case being progressed
<p>Land at former Snow King Factory, 270 Grane Road, Haslingden</p> <p><u>WORSLEY WARD</u></p> <p>Temporary Stop Notice</p>	22 nd March 2007	22 nd March 2007	Took effect immediately	Contravention of working hours condition attached to planning permission	Case prosecuted and company fined £10,000 with costs of £1000.00
<p>Irwell Springs Mill, Weir, Bacup</p> <p><u>GREENSCLOUGH WARD</u></p> <p>Stop Notice and Enforcement Notice</p>	14 th December 2006	22 nd December 2006	<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>	Unauthorised operational development – failure to comply with conditions precedent relating to approval of scheme for diversion of River Irwell and construction of access road.	Notice Complied with pending discharge of conditions

Land at Hollin Way, Constable Lee <u>CRIBDEN</u> <u>WARD</u> 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	Still Monitoring as planting season is early November until End of March. No Trees Planted as yet
Cuckoo Narr Farm. off Scotland Lane Rossendale <u>EDENFIELD</u> <u>WARD</u> Planning Contravention Notice	N/A	27 th September 2007	Returned within 21 days	Unauthorised re- building of Farm barn	Notice completed. Planning Application submitted and currently being dealt with
The Linney Cowpe Road Rawtenstall <u>WHITEWELL</u> <u>WARD</u> Planning Contravention Notice	N/A	18 th October 2007	Return within 21 days	Encroached onto highway and change of use from parking area to garden area	Notice completed and returned. Case being progressed

<p>Havencare 195A Bury Road, Rawtenstall</p> <p><u>LONGHOLME WARD</u></p> <p>Enforcement Notice</p>	<p>27th November 2007</p>	<p>7th February 2008</p>	<p>1. 7th September 2008. 2. 2nd May 2008</p>	<p>1. Unauthorised Business Use at premises and associated car parking 2. Unauthorised conversion of grassed area into hard standing. Reinstate to grassed area</p>	<p>Awaiting expiry of compliance period</p>
<p>7 Holmeswood Park Rawtenstall</p> <p><u>LONGHOLME WARD</u></p> <p>Enforcement Notice</p>	<p>12th December 2007</p>	<p>10th January 2008</p>	<p>6th April 2008</p>	<p>Erection of large Satellite Dish without permission.</p>	<p>Awaiting expiry of compliance period</p>