

Subject:	Q4 (14/15) – Q3 (15/16) Planning Enforcement Report	Status:	For Publication
Report to:	Development Control Committee	Date:	8 th December 2015
Report of:	Planning Unit Manager	Portfolio Holder:	Operational Services and Development Control
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Stephen Stray	Telephone:	01706 252420
Email:	stephenstray@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.01	Members are advised to note the report contents.

2. PURPOSE OF REPORT

- 2.01 To provide elected members with an update on current planning enforcement action, and the amended Enforcement Plan / Enforcement Policy.

3. CORPORATE PRIORITIES

- 3.01 The matters discussed in this report impact directly on the following corporate priorities:

Regenerating Rossendale: This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.

Responsive Value for Money Services: This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

Clean Green Rossendale: This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.01 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The Council has a statutory duty to investigate planning contraventions. Failure to regulate in this area will likely result in lack of confidence in the Development Control Service.

- Failure to carry out effective planning enforcement could result in harm being caused to the local environment, residential amenity, highway safety and the appearance of the borough.
- Failure to have an up to date Enforcement Plan could mean that the Council's policies are not in line with the National Planning Policy Framework, reducing their weight in terms of using them for decision-making.
- Failure to update the Enforcement Policy / Enforcement Plan this year would mean that the Planning Unit would not meet one of its Business Plan objectives.

5. BACKGROUND AND OPTIONS

- 5.01 The details in this report cover the period from 1st January 2015 to 30th November 2015.
- 5.02 Members are to note that there are a number of open investigations relating to breaches of planning control from previous months and years. The enforcement team continues to investigate these matters and bring them to a conclusion where it is possible to do so. We continue to receive a significant volume of new enquiries which are investigated as soon as possible. The team has been successful in reducing the time taken to investigate and resolve the majority of new enquiries.
- 5.03 One of the Council's Enforcement Officers (Brian Taylor) retired in April 2015 and for a number of months the team was reduced to one officer (James Dalgleish) who worked part of the week on enforcement investigations and the rest of the week dealing with planning applications. The number of outstanding enquiries reached a peak of around 220 in August.
- 5.04 At the end of August, the team welcomed Richard Elliott who began his new role as a Planning Enforcement Officer and has taken on a significant case load and helped to effectively tackle the increasing number of enquiries.
- 5.05 Over the past three months, the team has carried out a review of its working practices and instigated more efficient methods and approaches which have enabled us to respond to enquiries more promptly and resolve potential breaches of planning control more effectively.
- 5.06 The number of investigations into breaches of planning control currently being carried out by enforcement officers is 177.
- 5.07 Upon adoption of the current Enforcement Policy on 6th March 2013, it was resolved by Cabinet that future minor amendments to the Policy be delegated to the Director of Business in consultation with the Portfolio Holder.
- 5.08 During October, the Planning Enforcement Team carried out a review of the Council's existing Enforcement Policy (see Appendix A) in line with one of the Planning Unit's Business Plan objectives. This resulted in several amendments being carried out to the policy. A draft of the revised Policy has now been produced (see Appendix B) and it is hoped that the changes can now be adopted as soon as possible.
- 5.09 In summary, the principal revisions to the policy are:
- Clearer, more concise wording and layout to assist members of the public in being able to understand the Council's planning enforcement procedures and access relevant information

- Renaming the policy 'Enforcement Plan' to bring it up to date in line with the advice in Paragraph 207 of the National Planning Policy Framework
- Clarifying and formalising the Council's system of priorities in responding to planning enforcement enquiries
- Setting out and explaining all the planning enforcement powers available to the Council
- Adopting a new mandatory complaint form (see Appendix C) which must be used to report a suspected breach of planning control. The new form is intended to give more detail to officers to allow them to locate sites faster and identify more precisely the harm being caused by a development so that they can target their response more effectively. It is also designed to reduce the occurrence of spurious complaints which could waste officer time.

5.10 To accompany the revised policy, the team has also set up a new website (www.rossendale.gov.uk/planningenforcement) which is easy for members of the public to remember and access. The website includes a simple and straightforward automated online complaint form so that people can register enquiries online and submit them directly to us. Once the new Enforcement Plan is adopted, it is intended to update the website immediately with new wording to reflect the Plan.

5.11 During this reporting period, the following notices were served by the Planning Enforcement Team:

- 4 Enforcement Notices
- 1 Breach of Condition Notice
- 3 Temporary Stop Notices
- 8 Planning Contravention Notices

5.12 Members are advised that there are a number of enforcement notices currently in force from previous months.

5.13 Three enforcement appeal decisions have been received within this reporting period from the Planning Inspectorate (see Appendix D for copies of the decisions):

APP/B2355/C/15/3003202 (Site at 7 Hardsough Fold, Irwell Vale) – appeal against an enforcement notice directed against the unauthorised replacement of timber window units with UPVC window units in the Irwell Vale Conservation Area. The enforcement notice was upheld, albeit with the appellant given a longer period of time to comply.

APP/B2355/C/14/2216822 (Site at Coal Pit Lane, Bacup) – appeal against an enforcement notice directed against the unauthorised change of use of the land from agricultural use to residential use enabled by the siting and use of a static caravan. Also, linked appeal against an enforcement notice directed against the unauthorised erection of a stable block, tack room / feed store and associated hard standing on the land. Both enforcement notices were upheld, with the second one being varied to allow the appellant to retain an area of hardstanding.

APP/B2355/C/14/2226924 (Site at Shawclough Road, Whitewell Bottom) – appeal against an enforcement notice directed against the unauthorised siting of a prefabricated bungalow on the land. This appeal was upheld, and the enforcement notice quashed on the basis that the prefabricated bungalow was not a 'building' requiring planning permission (it was deemed to be a 'caravan').

5.14 Currently two enforcement appeals are pending with the Planning Inspectorate:

APP/B2355/C/15/3004951 (Site at 5 Hardsough Fold, Irwell Vale) – appeal against an enforcement notice directed against the unauthorised change of use of a piece of unadopted road to residential garden and associated installation of patio area within the Irwell Vale Conservation Area.

APP/B2355/C/15/3129079 (Site at 551 Newchurch Road, Stacksteads) – appeal against an enforcement notice directed against the construction of a garage building not in accordance with the plans approved under planning application 2011/0552.

5.15 The Planning Enforcement Team is taking a proactive approach to ensuring that applicants comply with planning conditions when planning permission is granted for a development. To this end, a new standard letter is being drafted which will accompany all planning approval notices when they are sent out in the post to applicants. The letter will make it clear to applicants that where conditions are imposed on a planning permission, they must be complied with in full or enforcement action may be taken by the Council without further notice. It will also outline the procedures which applicants must follow to formally discharge planning conditions, in case they are not familiar with the process.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.01 Any financial implications arising will be contained within existing budget resources.

7. MONITORING OFFICER

7.01 This report is for information purposes only.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.01 If agreed by the Portfolio Holder and Chief Executive, the new Enforcement Plan will be adopted for use by the Planning Enforcement Team. The revision of the Enforcement Plan / Enforcement Policy is one of the Planning Unit's Business Plan objectives for this year.

9. CONCLUSION

9.01 This report details action taken by the Planning Enforcement Team, and outlines the proposed changes to the Council's Enforcement Policy / Enforcement Plan.

Background Papers

Document	Place of Inspection
The Council's Existing Enforcement Policy	<i>Appendix A - attached</i>
Draft Version of revised Enforcement Plan	<i>Appendix B - attached</i>
New mandatory Planning Enforcement Complaint Form	<i>Appendix C - attached</i>
Copies of Enforcement Appeal decisions	<i>Appendix D - attached</i>