

Subject:	Planning Enforcement Report	Status:	For Publication		
Report to:	Development Control Committee	Date:			
Report of:	Planning Unit Manager	Portfolio Holder:			
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	
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1.	RECOMMENDATION(S)
1.1	Members are advised to note the report contents.

2. PURPOSE OF REPORT

- 2.1
- To provide elected members with an update on planning enforcement action from the period May 2016 - June 2017.
 - To provide elected members with an update on planning enforcement appeals from the period January 2016 – June 2017.
 - To provide elected members with an update on other planning enforcement matters referred to in the previous report.

3. CORPORATE PRIORITIES

- 3.1 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

- 4.1 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 alleged planning contraventions. Failure to regulate in this area will likely result in a lack of confidence in the Development Control Service; and
 - 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.

5. BACKGROUND AND OPTIONS

5.1 Staffing

Members are to note that James Dalglish, the Council's former Enforcement Lead Officer began his new role as Senior Planning Officer on 13th June 2016. Richard Elliott was assigned to the post as Enforcement Lead on 27th June 2016.

- 5.2 Following an unsuccessful recruitment process for a full time planning enforcement officer in September 2016 David Clarke was appointed as a consultant enforcement office for the Council, working on a part time basis two days a week. David left the Authority on December 23rd 2016.
- 5.3 On the 1st November 2016 the team appointed Nicholas Brookman as a Trainee Enforcement Officer. Richard Elliott has been working very closely with Nick in order to train him on all matters relating to planning and planning enforcement whilst at the same time ensuring that the Council continue to investigate potential breaches of planning control. We are all delighted with Nick's progress to date; he has made an extremely positive contribution to the team and now has his own enforcement caseload.
- 5.4 Enforcement Cases
The number of open investigations into potential breaches of planning control currently stands at 208. Officers are in the process of reviewing historic cases with a view to bringing this number down.
- 5.5 Enforcement Plan
Members are to note that the Council's Enforcement Plan is working effectively to reduce spurious complaints and to provide officers with the relevant base information they need to effectively investigate planning enforcement enquiries. The Plan requires that all enquiries relating to potential breaches of planning control are made on the enforcement complaint form. It is respectfully requested that if Members are contacted by their constituents relating to potential breaches of planning control that a complaint form is still completed and sent to the Enforcement Team in line with the Plan.
- 5.6 Members are also asked to note that in order to proactively reduce the amount of breaches of planning conditions a standard letter is now being sent out with all planning approval notices outlining the need to obtain approval of details reserved by conditions, how to go about this and the action the Council can take if this is not carried out.
- 5.7 Enforcement Action
During the reporting period, the following notices were served by the Planning Enforcement Team comprising:
- Eleven Enforcement Notices
 - Three Listed Building Enforcement Notices
 - Two Planning Contravention Notices (PCN's)

SITE	NOTICE TYPE
Laundry machines outside NISA, Deardengate	Enforcement Notice
Land adjacent to River and No.3 Bridgewood Close Rawtenstall	Enforcement Notice
Land to the rear of the Glory, 1222 Burnley Road	Enforcement Notice
Kilnfield Farm Barn, Park Road, Helmshore	LB Enforcement Notice
425 Newchurch Road, Newchurch	Enforcement Notice
460 Market Street Shawforth	Enforcement Notice
Land to North of Greendale Lodge, Newchurch	Enforcement Notice
60 Stubbins Street, Stubbins, Bury, BLO ONL	LB Enforcement Notice

2 Chapel Street, Whitworth, Rossendale OL12 8PP	LB Enforcement Notice
The Village Store, 414 Holcombe Road, Haslingden	Enforcement Notice
Scrap Yard, Dean Lane, Water	Enforcement Notice
Leabrook Nursery, Rawtenstall	Enforcement Notice
Land at Vale Lodge, Irwell Vale	Enforcement Notice
Land at Farm Hill Farm, Edgeside, Waterfoot	Enforcement Notice
Land south of 1242 Burnley Road East	PCN
Land Adjacent to 21 St Peters Road	PCN

5.8 Enforcement Appeals

As a result of the above there have been six enforcement appeals during the plan period. Five of those appeals are with the Planning Inspectorate pending validation/registration and another has been determined.

5.9 Appeal Decisions: Enforcement Notices served within the previous report period

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.

The appeal was upheld. Whilst the Inspector agreed with the Council that there had, on the balance of probabilities been a material change of use of the land he allowed the appeal on the grounds that he felt the impact of the use and the materials used was not detrimental to the streetscene or the character and appearance of 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

This appeal was combined with an appeal against a refusal of planning permission: Ref APP/B2355/W/15/3132553. As the planning appeal was allowed the related enforcement notice was quashed.

Appeal Decisions: Notices served within this report period

APP/B2355/C/16/3158284 (Land to rear of 1222 Burnley Road, the former Glory Public House, BB4 8RG) – appeal against an enforcement notice directed against the raising of levels and the formation of hardstanding to the rear of the building and its car park.

The appeal was dismissed. The inspector agreed with the Council that unlawful engineering operations had taken place and that that the land had clearly been urbanised, harmfully detracting from its more open and rural character and appearance and its contextual relationship with the field to the west and the surrounding countryside. The Inspector did, however, extend the compliance period to a period of eight months giving the owner until approximately the end of the year to comply in full.

5.10 The Planning Inspectorate

The Planning Inspectorate is currently experiencing significant delays in relation to enforcement appeals. They have advised that the validation of the appeals alone (checking that all required documents and fees have been received) can take up to thirteen weeks.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 None contained within this report.

7. MONITORING OFFICER

7.1 Report is for information purposes only.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 None contained within this report, however, appeal decisions can inform interpretation / implementation of Planning Policies.

9. CONCLUSION

9.1 For Members to note the update provided in the report. Should Members wish to view any of the Enforcement Notices that have been served or require any further information regarding them it is advised that they contact the Planning Enforcement Team.