

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 1st June 2017 – 30th September 2017.
 - To provide elected members with an update on planning enforcement appeals from the period 1st June 2017 – 30th September 2017.
 - To provide elected members with an update on any 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:
- A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale's residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
 - A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
 - A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

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 Enforcement Cases
Members were notified that at the end of the previous quarter the number of open investigations into potential breaches of planning control stood at 216.

Since that time, within the report period Officers have closed 55 cases.

However, taking into account the number of new complaints received the total number of cases within the report period is 230.

5.2 Enforcement Action

During the reporting period, the following were served by the Planning Enforcement Team comprising:

- One Injunction
- Five Enforcement Notices
- One Section 215 Notice (s.215)
- One Temporary Stop Notice (TSN)
- Four Planning Contravention Notices (PCN's)

SITE	NOTICE TYPE
Kippax New Mill	Injunction
Kippax New Mill	TSN
Land at 3 Blackwood Court, Stacksteads, OL13 0BD	Enforcement Notice
5 Fairhill, Helmshore, BB4 4JY	Enforcement Notice
Land adjacent to Rockcliffe Road, OL13 9QL	Enforcement Notice
Holly Mount House, Rawtenstall	Enforcement Notice
Blue Bell Hotel, Waterfoot	Enforcement Notice
10 St James Street, Bacup (former Woolworths building)	S.215
129 Blackburn Road, Haslingden, BB4 5HN	PCN
14 Walnut Avenue, Haslingden, BB4 5NJ	PCN
Land at the top of Rose Hill Street, Bacup	PCN
The Stables, Highfield Road, Rawtenstall, BB4 7JS	PCN

The Injunction Order obtained by the Council in relation to Kippax New Mill remains in place and is set for trial on the 9th November. In the meantime Officers are liaising with the owner and their representatives to resolve all outstanding matters.

5.3 Enforcement Appeals

There have been no enforcement appeals during the report period.

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

APP/B2355/F/17/3172505 (2 Chapel Street, Whitworth, OL12 8PP) – Appeal against a listed building enforcement notice directed against the removal of a timber door and frame to the north facing elevation and their replacement with a composite door and UPVC frame.

This appeal was turned away by the planning inspectorate as the appeal was not made in time.

APP/B2355/F/17/3172351 (60 Stubbins Street, Ramsbottom, BL0 0NL) – Appeal against a listed building enforcement notice directed against the removal of three windows and their replacement with UPVC windows at the building with the benefit of listed building consent.

A decision is awaited from the Planning Inspectorate.

APP/B2355/C/17/3179082 (Site at Farm Hill Farm, Edgeside Lane, Waterfoot) - Appeal against an enforcement notice directed against the material change of use of the land and buildings from agriculture and domestic stables to a mixed use as a livery and the storage of a mobile home.

This appeal has not yet been validated by the Planning Inspectorate.

APP/B2355/C/17/3175366 (Site at Land to east of Helmshore Road leading to Lumb Village, Meadow Park) – Appeal against an enforcement notice directed against engineering operations comprising the formation of a tarmac road and the material widening of a means of access to Helmshore Road.

This appeal has recently been made valid and the LPA is currently preparing its appeal statement. Neighbours are due to be notified of the appeal shortly, in accordance with the Planning Inspectorate’s timeframe.

APP/B2355/C/17/3176557 (Leabrook Nurseries, Laund Mill, Burnley Road, BB4 8HH) appeal against an enforcement notice directed against the material change of use of the land from open amenity space to a vehicle parking area and for the storage of materials and equipment area associated with Leabrook Nursery, facilitated by operational engineering operations to form an area of hardstanding and the associated access track to it.

This appeal has not yet been validated by the Planning Inspectorate.

APP/B2355/C/17/3172745 (The Village Store, 414 Holcombe Road, BB4 4LX) appeal against an enforcement notice directed against the material change of use of the ground floor of the premises from A1 Retail to a mixed use A1 Retail, A3 Café/Restaurant and A4 Drinking Establishment (sui generis).

This appeal is now valid. The LPA is currently preparing its appeal statement. Neighbours have been notified of the appeal.

5.5 The Planning Inspectorate

The Planning Inspectorate is still experiencing significant delays in relation to enforcement appeals. Validation of the appeals alone (checking that all required documents and fees have been received) is taking approximately 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.