

<b>Subject:</b>	Planning Enforcement Report	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 <sup>th</sup> January 2018
<b>Report of:</b>	Planning Manager	<b>Portfolio Holder:</b>	Regulatory Services
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
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 1<sup>st</sup> October 2017 – 31<sup>st</sup> December 2017.
  - To provide elected members with an update on planning enforcement appeals from the period 1<sup>st</sup> October 2017 – 31<sup>st</sup> December 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 230.

Since that time, within the report period Officers have closed 39 cases.

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

## 5.2 Enforcement Action

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

- Two Planning Contravention Notices (PCN's)
- Two Breach of Condition Notices (BCN's)
- One Enforcement Notice (EN)

SITE	NOTICE TYPE
Hill End Farm, Park Road, Helmshore, Rossendale, BB4 4AR	PCN
Hargreaves Fold Farm North, Hargreaves Fold Lane, Rossendale BB4 9RU	PCN
Land at Home Bargains, New Hall Hey, Rawtenstall, Rossendale, BB4 6HW	BCN
Land at Aldi, New Hall Hey, Rawtenstall, Rossendale, BB4 6HW	BCN
Land behind 489 Newchurch Road OL13 0NH	EN

### **Kippax New Mill, Goodshawfold, BB4 8QF:**

On the 15<sup>th</sup> November 2017 Council Officers attended a further hearing in respect of the Injunction Order obtained against Peter George Cordwell in relation to Land at Kippax New Mill, Goodshawfold. The hearing was also attended by the Defendant (Mr Cordwell) in person, and his representative.

The District Judge ordered that the Injunction remained in force “*until such a time as all requisite consents have been obtained from the Local Planning Authority; or further order of the Court.*”

It was further ordered that Peter George Cordwell pay the Council costs of £3900.

## 5.3 Enforcement Appeals

### **10 St James Square, Bacup:**

A S.215 (Land Adversely Affecting the Amenity of an Area) Notice was served on the owners of the property on the 22<sup>nd</sup> September 2017. This Notice was appealed on the 23<sup>rd</sup> October 2017 and the hearing date has been set for the 19<sup>th</sup> January 2018 at Burnley Magistrates Court.

### **Land behind 489 Newchurch Road OL13 0NH:**

An appeal against this Notice was submitted on the 3<sup>rd</sup> December 2017 but has yet to be validated by the Planning Inspectorate.

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

**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.

The appeal was dismissed and the listed building enforcement notice was upheld. The owner has until 23rd April 2018 to comply with the Notice.

**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 been validated and residents have been notified of the appeal, giving all parties an opportunity to make representations.

**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 will be determined via the Hearing procedure. The Hearing date has been set for 16<sup>th</sup> January 2018 and is taking place within the Council Chamber.

**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.

A decision is awaited from 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).

A decision is awaited from the Planning Inspectorate.

#### 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.