



CAI.38 11/12

Challenge and Improvement
Committee

Date 10 April 2012

B

Subject: Enforcement Update

Report by:

Director of Planning and Regeneration

Contact Officer:

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Purpose / Summary:

The purpose of this report is to provide an update with regard to Planning Enforcement

RECOMMENDATION(S):

1) That Members note the contents of this report

IMPLICATIONS

Legal:
There are no specific legal implications arising from this report.

Financial :
There are no financial implications directly as a result of consideration of this report. However, all enforcement notices have a right of appeal which have cost implications and in some instances the Council could invoke default powers to secure compliance with the notices.

Staffing :
None arising from this report.

Equality and Diversity including Human Rights :
*NB: A full impact assessment **HAS TO BE** attached if the report relates to any new or revised policy or revision to service delivery/introduction of new services.*

Risk Assessment :
None arising from this report.

Climate Related Risks and Opportunities :
None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes No

Key Decision:

Yes No

1 Introduction

1.1 1. Introduction

1.1 The former Planning Committee has requested that an update report be brought to Committee on a quarterly basis as the information in this report directly relates to Development Management it will now be presented to the Development Management Committee.

1.2 This report provides information regarding the enforcement service between October 2011 and December 2011.

2. Current Caseload

2.1 There are currently 91 matters shown as open on the database. This figure includes matters where formal notices have been served and are either within time for submitting an appeal or within the timescale for compliance. **Appendix 1** (Exempt Information). This shows that a more consistent and manageable number of cases open to the team is sustainable; supported by the robust application of the Enforcement Policy.

2.2 In accordance with the Council's adopted priorities there are currently:

Priority 1	3
Priority 2	32
Priority 3	46
Priority 4	10
Total	91

3. New Matters Opened and Closed

3.1 Since last report in October the following new matters have been opened:

October	17
November	30
December	4
Total	51

3.2 Since the last report in October the following matters have been closed:

October	19
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November	14
December	22
Total	55

- 3.3 A table showing the current status of matters where formal action is being undertaken is attached as **Appendix 2**.
- 3.4 A table showing Planning Enforcement cases 4 years and older is attached as **Appendix 3** (Exempt Information).

4. Appeals

4.1 The Rookery 176445 – Change of use from agricultural use to garden (Relates to four properties at The Rookery)

S.106 negotiated and appeals will be withdrawn once the agreement completed.

5. Appeal update

5.1 Trent Port Road, Marton 106069 Untidy Land - Section 215 Notice

Appeal dismissed and compliance with notice due 02nd March 2012

5.2 24 High Street, Marton 175331 Untidy Lane – Section 215 Notice

Appeal dismissed and compliance with notice due 24th February 2012 with a subsequent compliance date 27th July 2012.

5.3 Land between Wood Langham Farm and Clump Hill Farm, Hainton 154106 – Unauthorised engineering works and siting of storage container – Enforcement Notice

Appeal dismissed in part, subject to removal of container with has been complied with.

6. Direct Action

6.1 Before and after photographs for direct action are attached as **Appendix 4** (Exempt Information).

6.2 18 Ferry Road, Fiskerton
38 Asquith Street, Gainsborough
70 High Street, Blyton

Appendix 2

	Site address	Breach	Status	Priority
1	Trent Port Road, Marton 106069	Gypsies, Untidy land, Agricultural use of caravans (Chickens)	21/3/11 Pre trial hearing for appeal 14/4/11 Trail hearing for appeal – appeal dismissed 7/6/11 Crown Crt postponed 5/9/11 Hearing 10.00 am Appeal Trial listed 1 December 2011 Appeal dismissed compliance due 2 March 2012	2
2	Ingleby, Lincoln, LN1 2PQ 102028	use of land - caravans	06/06/11 Prosecution to commence	2
3	28 Ravendale Road, Gainsborough, DN21 1XA 105404	Untidy land/buildings (see also M05/E/252)	05/04/11 Found guilty in Absence. Fined £350 plus £450 costs, £15 victim charge 24/05/11 Further prosecution Summons 10/08/11 Court date 17/08/11 request for quotes sent out 12/10/11 quotes received awaiting budget authority Instructions to commence direct action postponed as some limited work carriedout by owner and window ordered. 13/2/12 No further works so direct action reinstated	2
4	Former Officers Mess Building, Brookenby, Market Rasen 130623	M07/E/101 Untidy land/building	S215 Notice served 15/07/10 Compliance deadline Option A 20/01/11 Prepare Sec 9 23/2/11 Buildings being demolished 08/07/11 HSE received some info regarding schedule of works – prosecution held in abeyance. HSE lifted Prohibition notice and demolition works ongoing to clear.12/2/12 demolition completed and Hse content demolition complete, contractors being appointed to deal with clearance of rubble	1
5	Candlelight Farm, Sand Lane, Middle Rasen, Market Rasen, Lincolnshire, 165178	M09/E/006 - Residential caravan, metal structure, business use	04/05/11 Court date 13/06/11 Court Date 07/07/11 Awaiting court date Listed Court 25 October 2011. Pled guilty to	3

			second offence. All but metal container removed as at 2/2/12.	
6	Wolds Retreat, Brigg Road, Caistor 147630	BOC sole or main residence	12/3/11 Notices drafted 23 & 24 th May BCN served 30/08/11 Compliance deadline 20/9/11 Checking for ongoing breach, application to vary conditions proposed Breach of condition notices in effect. Insufficient evidence of ongoing breach to prosecute at this time	2
7	32, 34, 36 & 38 The Rookery, Scotter 176445	COU of paddock/agricultural land to domestic garden outside the settlement boundary	25/05/11 En/Notices served 25/6/11 Effective date 25/7/11 Compliance date 12/10/11 Appeals lodged against Notices and Legal agreement being negotiated 31/1/12 appeal site visit taken place, S106 agreement submitted but not yet completed by appellants.	3
8	24 High Street, Marton 175331	Untidy property	14/03/11 Notice served 7/6/11 Appeal ct hearing-adjourned (no show) 27/7/11 Mag Court pm 12/10/11 Appeal Hearing 14/10/11 appeal dismissed. 27/1/12 appeal to crown Court dismissed first compliance date 26/2/12	3
9	87 Station Road, Bardney 187276	Storage of cars/untidy land	8/3/11 Sec 215 notice served 07/07/11 Prosecution to commence Partially complied with. Consider enforcement notice re change of use to control ongoing use.	3
10	80-82 Church Street, Gainsborough	Untidy property	05/04/11 Notice served by hand 07/07/11 Prosecution to be commenced. Passed to Empty Property Officer as out of time to prosecute	2
11	Wood View Farm, Moor Road, Walesby 183173	Unauthorised extension to garage/store	06/05/11 Notice served 05/08/11 Compliance date Planning appeal dismissed and enforcement notice effective. Prosecution to be commenced if building not demolished	3
12	The Goldmine, 52 Queen St, Market Rasen 201190	Untidy listed building	07/06/11 Sec 215 Notice served 05/09/11 Compliance Date 23/9/11 Prosecution to	2

			commence First court date 7/3/12	
13	Carr Lane, Doddington 160909	Unauthorised structures & living accommodation	16/09/11 Notice to be served. Amended notice to be issued re both operational development and change of use	2
14	33 Lea Road, Gainsborough 202122	Untidy land	24/06/11 Notice served 24/07/11 Effective dated 4/09/11 Compliance date 20/10/12 Prosecution to be commenced first hearing date 21/3/12	3
15	16 Balfour Street, Gainsborough 203825	Untidy land	25/07/11 Authorisation approved 18/08/11 Notice severed 16/10/11 compliance date	3
16	13 Waterworks Street, Gainsborough 203835	Untidy Land	26/7/11 Authorisation approved 18/8/11 Notice served 16/10/11 Compliance date Prosecution commenced first hearing 7/3/12	3
17	12a Queen Street, Market Rasen 201202	Untidy Land	20/7/11 Authorisation approved 18/8/11 Notice drafted 16/10/11 Compliance date. Prosecution to be commenced	2

Formal action closed since last report

1	4 Kilnwell Road, Market Rasen 128742	Untidy Building	05/04/ 11 Pleaded Guilty Fined £200 plus £500 costs & £15 victim charge & told to complete the works 24/5/11 Further prosecution. Summons issued to Court 3/6/11 Previous Crt cost received 10/08/11 Court 25/8/11 Further prosecution fined £680 plus £644.08 costs and £15 victim surcharge works done bar one window Works completed file closed	2
2	Land Adjacent, Stone Farm, Thoresway 109642	Use of land as Motoparc	27/05/11 To be prosecuted 22/08/11 No remedial action undertaken 12/10/11 Agents instructed to apply for change of use	2

			to regularise limited opening No use of site ongoing no advertising of events, equipment signage and caravans removed	
3	5 Beckside, Nettleham, Lincoln, LN2 2PH 135637	M07/E/185 - Alterations to Listed Building	02/08/11 Appeal dismissed 03/08/11 Letter sent requesting compliance 30 days 11.10.11 Notice complied with and close	2
4	The Old Oil Site, Apley, Wragby 138453	Untidy land Change of use of agricultural land to residential and storage of materials and vehicles	23/11/10 EN Notice served 23/12/10 Effective date 20/01/11 compliance date 2, 4 & 6 23/3/11 compliance dated requirements 1, 3, 5 & 7 8/08/11 Costs sent to Legal 16/08/11 First Court hearing Adjourned to 13 th Sept 11 Notice complied with in majority of requirements, court hearing listed 17 Nov 2011 conviction secured 2year conditional discharge and £1500 costs.	2
5	The Black Horse, 26 High Street, Ingham 172347	Boc 19 of M06/P/1082 Brick wall between dwelling & extension	6/5/11 BOC Notice served 6/7/11 compliance deadline 7/7/11 further pa submitted 24/08/11 PAC Permission granted for amended scheme. Wall in place, closed	2
6	38 Asquith Street, Gainsborough 114803	Untidy land and building	11/11/10 Sec 215 Notice served 2/8/11 Court fine £350 & costs £829.81 17/8/11 Requests for quotes sent out 12/10/11 quotes received awaiting budget authority 23/12/11 direct action works complete	3
7	18 Ferry Road, Fiskerton 193182	Untidy land and building	29/11/10 S215 Notice served 4/6/11 Deadline for compliance 08/08/11 Default works approved 17/08/11 Request for quotes sent out 12/11/10 Quotes received awaiting budget authority 7/12/11 default works complete	2
8	Briar Vene, North Warren Road, 198938	Unauthorised works to 3 trees covered by TPO	03/02/11 Authorisation 03/08/11 Adjourned – non attendance	1

			24/08/11 Court 12/10/11 Pleaded guilty fine £1250 + £845 costs	
9	Log cabin rear of Hollydene, Sturgate 193174	Unauthorised dwelling	11/4/11 Enforcement Notice served: 17/05/11 Appeal lodged 31/08/11 Appeal Site visit Appeal dismissed compliance due 5 Nov 11 re use and 5 Dec re demolition building removed	3
10	5 Carron Close, Bardney 67315	Unauthorised installation of 4 UPVC windows into southern elevation	04/05/11 Notice served 04/09/11 compliance date 30/8/11 wooden windows reinstated	3
11	70 High Street, Blyton 199750	Untidy property	04/05/11 Notice served 05/09/11 Compliance date 10/1/12 direct action started now complete	3
12	Clump Hill Farm, Torrington Lane, Hainton 154106	Unauthorised embankments & 4 containers	12/05/11 Notice served 07/07/11 Appeal lodged 26/08/11 Statement Due 17/08/11 Statement sent to PI & Appellants Appeal dismissed notice varied to allow embankment but remove container. Container removed	2
13	Low Church Road, Middle Rasen 199927	Untidy land	20/06/11 Notice served 21/07/11 Effective date 21/08/11 Compliance date 20/9/11 Prosecution to commence. Site cleared	3
14	Sheepcote Hill Farm, South Street, North Kelsey 189397	Unauthorised upvc windows, doors & conservatory	09/08/11 Authorisation approved 22/08/11 Notices served 22/10/11 Compliance period A 22/12/11 Compliance period B 12/10/11 remedial works agreed and Listed building Consent app received S106 agreement completed to agree timescale for remedial works and remove notice to enable remortgage to carry out works. Conservatory removed and new windows ordered	1
15	The Manna House, Kirmond le Mire 193152	Urgent Repairs Notice	16/08/11 Authorisation approved. – 22/08/11 Notice served 23/08/11 Letter requesting quotes issued 12/10/11 notice of proposed default works sent Roofing	1

			secured	
16	10 Colville Terrace, Gainsborough 203771	Untidy land	25/07/11 Authorisation approved 18/08/11 Notice served 16/10/11 Compliance date Still in breach but considering personal circumstance of owner and relatively slight harm not considered expedient to pursue further	3
17	14 Queen Street, Market Rasen 201199	Untidy Land	20/7/11 Authorisation approved 18/8/11 Notices served 16/10/11 Compliance date Works completed	2
18	24 Market Place, Caistor 204938	Untidy Lane	23/08/2011 Authorisation approved 12/9/11 joinery and windows done but boarded until works above completed. Works completed without notice	





