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DM.27 11/12

Development Management Committee

Date 4th April 2012

Subject: Enforcement Update

Report by: Director of Planning and Regeneration

Contact Officer: Rachael Hughes

Private Sector Renewal Team Leader

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The purpose of this report is to provide an update

with regard to Planning Enforcement

Purpose / Summary:

RECOMMENDATION(S):

1) That Members note the contents of this report

IMPLICATIONS

Legal:			
There are no spec	ic legal implications arising from this	s report.	
Financial :			
report. However, a	ncial implications directly as a res Il enforcement notices have a right some instances the Council could with the notices.	of appeal	which have cost
Staffing :			
None arising from	his report.		
Equality and Dive	rsity including Human Rights :		
•	assessment HAS TO BE attached cy or revision to service delivery/intr	•	•
Risk Assessment			
KISK ASSESSIIIEIII	•		
None arising from	his report.		
Climate Related F	isks and Opportunities :		
	• •		
None arising from	nis report.		
Title and Location report:	of any Background Papers used	in the pre	paration of this
Call in and Urgen	;у:		
Is the decision or	e which Rule 14 of the Scrutiny P	rocedure	Rules apply?
Yes	No	X	
Key Decision:			
Yes	No	x	

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

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, Fiskerton38 Asquith Street, Gainsborough70 High Street, Blyton

Appendix 2

Aþ	pendix 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	2
2	Ingleby, Lincoln, LN1	use of land - caravans	Appeal dismissed compliance due 2 March 2012 06/06/11 Prosecution to	2
	2PQ 102028		commence	
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 13/06/11Court Date 07/07/11 Awaiting court date Listed Court 25 October 2011. Pleaded guilty to	3

		T		1 1
			second offence. All but	
			metal container removed as	
			at 2/2/12.	
6	Wolds Retreat, Brigg	BOC sole or main	12/3/11 Notices drafted	2
	Road, Caistor	residence	23 & 24 th May BCN served	
	147630		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	
7	32, 34, 36 & 38 The	COU of	25/05/11 En/Notices served	3
,	Rookery, Scotter	paddock/agricultural	25/6/11 Effective date	
	176445	land to domestic garden	25/7/11 Compliance date	
	170110	outside the settlement	12/10/11 Appeals lodged	
		boundary	against Notices and Legal	
		Douridary	agreement being negotiated	
			31/1/12 appeal site visit	
			taken place, S106	
			agreement submitted but	
			not yet completed by	
0	24 High Street,	Untidy property	appellants. 14/03/11 Notice served	3
8		Untidy property		3
	Marton 175331		7/6/11 Appeal ct hearing-	
			adjourned (no show)	
			27/7/11 Mag Court pm	
			12/10/11 Appeal Hearing	
			14/10/11appeal dismissed.	
			27/1/12 appeal to crown	
			Court dismissed first	
	07.01.1		compliance date 26/2/12	
9	87 Station Road,	Storage of cars/untidy	8/3/11 Sec 215 notice	3
	Bardney 187276	land	served	
			07/07/11 Prosecution to	
			commence	
			Partially complied with.	
			Consider enforcement	
			notice re change of use to	
			control ongoing use.	
10	80-82 Church Street,	Untidy property	05/04/11 Notice served by	2
	Gainsborough		hand	
			07/07/11 Prosecution to be	
			commenced.	
			Passed to Empty Property	
			Officer as out of time to	
			prosecute	
11	Wood View Farm,	Unauthorised extension	06/05/11 Notice served	3
-	Moor Road, Walesby	to garage/store	05/08/11 Compliance date	
	183173		Planning appeal dismissed	
			and enforcement notice	
			effective. Prosecution to be	
			commenced if building not	
			demolished	
12	The Goldmine, 52	Untidy listed building	07/06/11 Sec 215 Notice	2
12	Queen St, Market		served	-
	Rasen 201190		05/09/11 Compliance Date	
	1.00011 20 1 100		23/9/11 Prosecution to	
			20/0/11 10300ullol1 to	l

			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 24/5/11Further 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

				1
			to regularise limited	
			opening	
			No use of site ongoing no	
			advertising of events,	
			equipment signage and	
			caravans removed	
3	5 Beckside,	M07/E/185 - Alterations	02/08/11 Appeal dismissed	2
	Nettleham, Lincoln,	to Listed Building	03/08/11 Letter sent	
	LN2 2PH		requesting compliance 30	
	135637		days	
			11.10.11 Notice complied	
			with and close	_
4	The Old Oil Site,	Untidy land	23/11/10 EN Notice served	2
	Apley, Wragby	Change of use of	23/12/10 Effective date	
	138453	agricultural land to	20/01/11 compliance date	
		residential and storage	2, 4 & 6	
		of materials and	23/3/11 compliance dated	
		vehicles	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.	
5	The Black Horse, 26	Boc 19 of M06/P/1082	6/5/11 BOC Notice served	2
	High Street, Ingham	Brick wall between	6/7/11 compliance deadline	
	172347	dwelling & extension	7/7/11 further pa submitted	
			24/08/11 PAC	
			Permission granted for	
			amended scheme. Wall in	
	00.4 111.01		place, closed	
6	38 Asquith Street,	Untidy land and building	11/11/10 Sec 215 Notice	3
	Gainsborough		served	
	114803		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	
	10 Form, Dood	Untidu land and huilding	works complete	2
7	18 Ferry Road,	Untidy land and building	29/11/10 S215 Notice	
	Fiskerton 193182		served 4/6/11 Deadline for	
			., .,	
			compliance 08/08/11Default works	
			1	
			approved	
			17/08/11 Request for	
			quotes sent out 12/11/10 Quotes received	
			awaiting budget authority	
			7/12/11 default works	
			complete	
0	Briar Vene, North	Unauthorised works to 3	03/02/11 Authorisation	1
8	Warren Road,	trees covered by TPO	03/08/11 Adjourned – non	1
	198938	liees covered by TPO	attendance	
ĺ	130300		auenuance	1

24/08/11 Court 12/10/11 Pleaded guilty fine £1250 + £845 costs					
9 Log cabin rear of Hollydene, Sturgate 193174 10 S Carron Close, Bardney 67315 11 70 High Street, Bilyton 199750 12 Clump Hill Farm, Torringhton Lane, Hainton 154106 13 Low Church Road, Middle Rasen 199927 14 Sheepcote Hill Farm, South Street, North Kelsey 189397 15 Low Church Road, Middle Rasen 199877 16 Log cabin rear of Hollydene, Sturgate 199760 17 Log cabin rear of Hollydene, Sturgate 199760 18 Log cabin rear of Hollydene, Sturgate 193174 193174 193174 10 Log cabin rear of Hollydene, Sturgate 17108/11 Appeal lodged 31/08/11 Notice served complete 19409/11 compliance date 30/8/11 wooden windows reinstated 104/09/11 compliance date 104/1/12 direct action started now complete 19409/11 Notice served 26/08/11 Statement Due 17/08/11 Statement Due 17/08/11 Statement but remove container. Container removed 21/08/11 Notice served 21/08/11 Compliance date 21/08/11 Compliance date 21/08/11 Notice served 21/08/11 Statement but remove container. Container removed 21/08/11 Compliance date 21/08/11 Compliance date 21/08/11 Notice served 21/08/11 Compliance date 21/08/11 Notice 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 10 S106 agreeme				24/08/11 Court	
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Consent app received S106 agreement completed					
S106 agreement completed					
to agree timescale for					
remedial works and remove				remedial works and remove	
notice to enable remortage				notice to enable remortage	
to carry out works.					
Conservatory removed and					
new windows ordered					
15 The Manna House, Urgent Repairs Notice 16/08/11 Authorisation 1	15	The Manna House	Urgent Renairs Notice		1
, , ,	13		Organi Nepans Nonce		'
193152 22/08/11 Notice served		193152			
23/08/11 Letter requesting					
quotes issued					
12/10/11 notice of proposed					
default works sent Roofing				default works sent Roofing	

			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 harmnot 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	











