

<b>REPORT FOR INFORMATION</b>
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<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>25<sup>th</sup> July 2017</b>
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1 <sup>st</sup> April 2017 and 30 <sup>th</sup> June 2017.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <span style="float: right;">No</span>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes <span style="float: right;">Comments</span>

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This report presents a brief analysis of Enforcement performance and activity for the period between 1<sup>st</sup> April 2017 and 30<sup>th</sup> June 2017 and includes table 1 (below) showing a statistical analysis of performance over that period.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual’s rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council’s adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

Table 1

	<b>Period 1/01/17 to 31/03/17</b>
Number of Complaints received	<b>134</b>
% where initial site visit within 10 working days	<b>95%</b> (average time to visit 3 working days)
Number of complaints resulting in a breach of Planning Control	<b>79</b>
Number of Enforcement Notices served	<b>6</b>
Number of Stop Notices served	<b>0</b>
Number of Breach of Condition Notices served	<b>7</b>
Number of Section 215 Untidy land/building Notices served	<b>1</b>
Number of Temporary Stop Notices served	<b>0</b>
Number of Planning Contravention Notices served	<b>1</b>
Number of Injunctions served	<b>0</b>
Number of Prosecutions made	<b>0</b>
Number of Prosecutions referred to Legal for Prosecution	<b>0</b>
Number of Formal Cautions issued / Interviews Under Caution	<b>0</b>
Number of Works in Default actions taken	<b>0</b>
Number of High Hedges Remedial/Tree Replacement Notices served	<b>0</b>
<b>Total Number of Notices/Actions</b>	<b>15</b>

## **2.0 ISSUES**

### **CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS**

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

### **3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED**

Table 1 above sets out statistical information for the period 1<sup>st</sup> April 2017 and 30<sup>th</sup> June 2017.

During this period, we received 134 complaints that required a formal investigation, this is broadly inline with the number of complaints received the

pervious quarter (Jan-March 2017) where 145 were received. Out of the 134 complaints 79 resulted in breaches of planning control following investigation. The vast majority of these cases in this period were again resolved without recourse to formal Enforcement Action, having been resolved by other means such as negotiation, or where appropriate, the invitation of planning applications. The number of complaints where an initial site visit was carried out within 10 working days remains high at 95%, with the average number of days taken to make an initial site visit being 3.

### **3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN**

This period has been very busy in terms of the number of formal notices served, totalling 15, compared to 19 notices served in the last quarter (Jan-March). Some notable cases which have resulted in formal action being taken during the period include: -

**22 Cockey Moor Road, Bury** – This residential property is located on a main road near Ainsworth Village. The buildings condition fell into disrepair following a house fire (see picture below). After the owners were reluctant to carry out any remedial works to repair the fire damaged roof a Section 215 Notice was served requiring a new roof to be installed to match the appearance of the previous, pre-fire damaged roof, in order to bring the property back into an acceptable condition and remedy the injury to amenity. No works have been carried out to date but the notice is still within the compliance period and the site is being monitored.



**Supreme Car Sales, 25 Parker Street, Bury** – this business is operating an unauthorised car sales use on a parcel of land on the corner of Parker Street and Heywood Street, Bury. A retrospective planning application was submitted but refused on highway safety grounds. An Enforcement Notice was issued requiring the use to cease. An appeal to the Planning Inspectorate against the notice has now been lodged and we await the outcome.

**1 & 3 Stephen Street South, Bury** – These cases relate to two residential properties that have extended their rear gardens by approximately 3 metres by erecting fencing and enclosing land to rear of their properties towards an existing garage colony. By doing so they have restricted the vehicular access to the garage colony which is detrimental to highway safety. The occupiers of number 3 did apply for planning permission but this was refused and subsequently upheld and dismissed on appeal by the Planning Inspectorate. Two Enforcement Notices have now been served requiring the residential uses of the land to cease and for the fences to be removed.

#### **4.0 CONCLUSION**

The period has been extremely busy in terms of the number of notice needing to be served. The number of complaints that result in a breach of planning control remain high with 79 out of the 134 complaints resulting in a breach following formal investigation. The majority of cases however continue to be resolved without recourse to formal action. On average initial site visits were carried out within 3 days.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements and prepare prosecution files for failure to comply is continuing to have a big impact on the workload of the Enforcement Team.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public.

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#### **Contact Details:-**

David Marno  
Head of Development Management  
Regulation and Resources  
3 Knowsley Place  
Duke Street  
Bury BL9 0EJ

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**