

REPORT FOR INFORMATION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	25th January 2022
SUBJECT:	PLANNING ENFORCEMENT
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT
TYPE OF DECISION:	COUNCIL (NON KEY DECISION) COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This Report provides statistical information on Enforcement activity between 1st October 2021 to 30th December 2021
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to note the Report
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Yes Comments

Wards Affected:	ALL
Scrutiny Interest:	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 1st October 2021 and 30th Dec 2021 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

	Period 01/10/21 to 30/12/21
Number of Complaints received	76
% where initial site visit within 10 working days	84.50% (average time to visit 5 working days)
Number of complaints resulting in a breach of Planning Control	23
Number of Enforcement Notices served	0
Number of Stop Notices served	0
Number of Breach of Condition Notices served	0
Number of Section 215 Untidy land/building Notices served	1
Number of Temporary Stop Notices served	0
Number of Planning Contravention Notices served	0
Number of Injunctions served	0
Number of Prosecutions made	0
Number of Prosecutions referred to Legal for Prosecution	0
Number of Formal Cautions issued / Interviews Under Caution	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial/Tree Replacement Notices served	0
Total Number of Notices/Actions	1

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 1st October 2021 to the 30th December 2021.

There is a slight reduction in complaints from the 95 of the previous quarter (July – September) and the 130 on the quarter before that (April to June). Complaints relating to outbuildings, fences and tree works have reduced in these latest figures which may be explained by the Winter months and a slightly extended Christmas shutdown.

During this period, we received 76 complaints that required a formal investigation. Out of the 76 complaints, it has been determined that 23 have breaches of planning control following investigation.

It should be noted that complaints that have been logged towards the end of the month are still being investigated as we are awaiting responses from owners.

Where a site visit is required, we are currently visiting sites within 8 working days.

We are still dealing with a number of initial complaints due to the Covid situation. Noise and boundary disputes along with running a business (working from home) account for the bulk of this type of complaint. Some of these are not logged, following a description from the complainant, as they are not of a planning nature. Other cases which might have required the removal of works or making good have been delayed due to the general lack of labour and materials. We have adopted, in some cases, a 'softly softly' approach as to prosecute might prove problematic if challenged in the courts.

It should also be noted that the Covid situation has affected the Courts ability to deal with cases and this has impacted on one of our enforcements which has been set back on three occasions due to the Courts workload.

We still have a number of pending notices. Negotiations with the planning department have been undertaken and are awaiting information that can allow the planning matters to be discharged. We continue to monitor these cases.

Food/Drink Establishments and 'Pop-Ups'

We had been led to believe that Government guidance relating the relaxation of planning rules within the food and drinks industry would be overhauled in January 2022. As yet, we have had no further update, so at the present time we are adopting a watching brief and kept a log of these complaints, which we can revisit once the current guidance is removed. We are working closely with our licensing colleagues to ensure that if complaints are made to either department then this information is shared.

In essence, Government's approach is suggesting a light touch type of approach and following from this, action should be taken where it is appropriate to do so. This may be for reasons of inappropriately sited structures, the creation of traffic concerns, amenity consideration and built historic importance to name but a few.

Other agencies within the Local Authority, such as Traffic, Licensing or Environmental Health regimes are and do still have an input and have the ability to impose their own restrictions or considerations where this may be appropriate.

Complaints Categorisation

The 76 complaints we have received over the last quarter can be largely categorised as follows The previous quarter is within the brackets);

Untidy land –	5 (2)
Outbuildings -	18 (19)
Breach of Conditions –	18 (18)
Fences/Decking –	10 (12)
Not built in Accordance with approved Plans	11 (12)
Trees –	3 (6)
Business –	4 (13)
Change of Use –	7 (13)

3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN

As previously stated, we have a number of Notices that are held in abeyance due to applications being made to the Planning department that are being currently being considered.

Enforcement Appeal Decisions

There have been no Enforcement Appeal Decisions within the past quarter.

Members may also be interested in other complaints received during the period, please see Appendix 1 for the full list of complaints formally investigated during this past year.

3.0 CONCLUSION

The majority of cases logged in the past 3 months have generally been dealt with via negotiation and applications being submitted to the Development Management Team. There are three or four cases currently that may require more formal action. Action on those cases where notices have been issued and held in abeyance, will be dependent on planning application outcomes.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a significant impact on the workload of the Enforcement Team, however, this is the nature of the work.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public. It is recognised that the workload levels are such that the Enforcement Charter reply times are not being hit in some minor cases but where significant breaches arise, these are dealt with well within the Charter reply times.

Appendix 1 – List of Enforcement complaints received between 01/10/2021 and the 30/12/2021

Enforcement Complaints received between 01/10/2021 and 31/12/2021

21 /0420 PK 1 Ladythorn Avenue, Prestwich, Manchester, M25 9RW

Remove existing unauthorised fence and replace with the approved one,
application 67655

17/12/2021

21 /0382 PK 1 Westholme Road, Prestwich, Manchester, M25 2RE

Erection of outbuilding in rear garden
09/11/2021

21 /0357 PK 10 Bedford Street, Bury, BL9 6ET

Erection of rear extension
11/10/2021

21 /0364 DMO 11 Brookthorpe Road, Bury, BL8 3AB

Condition no. 5 of planning permisison 67223 has not been implemented
(streetlight not replaced)
19/10/2021

21 /0395 PK 11 Redmere Drive, Bury, BL9 9GB

Change of use of residential garage to hot food takeaway
22/11/2021

21 /0362 DMO 12 Birley Street, Bury, BL9 5DT

Building works at rear
18/10/2021

21 /0408 DMO 12 Philips Drive, Whitefield, Manchester, M45 7PY

Extension not built in accordance with approved plans 3 no. ground floor windows
to side elevation
10/12/2021

21 /0412 PK 13 Windsor Road, Prestwich, Manchester, M25 0DZ

Not being built in accordance with approved plans of planning permission 65307
14/12/2021

21 /0389 DMO 149 Brandlesholme Road, Bury, BL8 1BA

Erection of outbuilding that is used for running business from home
19/11/2021

21 /0361 PK 17 Charlbury Avenue, Prestwich, Manchester, M25 0FJ

Erection of structure in rear garden
15/10/2021

21 /0396 PK 175 Simister Lane, Prestwich, Manchester, M24 4SJ

New roof to garage with velux windows
25/11/2021

21 /0399 PK 18 Derwent Walk, Whitefield, Manchester, M45 8HJ

Untidy land
25/11/2021

21 /0419 PK 181 Tottington Road, Bury, BL8 1RX

17/12/2021
Change of use from 6 bed HMO to 7 bed HMO

21 /0403 DMO 19 Plantation Grove, Bury, BL9 8LS

Extended garden onto neighbouring land
01/12/2021

21 /0415 DMO 1A Langley Hall Road, Prestwich, Manchester, M25 3BZ

Breach of condition planning permission 66903 (encroachment)
14/12/2021

21 /0379 PK 1A Radcliffe New Road, Whitefield, Manchester, M45 7QX
Change of use of first floor flat to hair salon
08/11/2021

21 /0391 PK 2 Northurst Drive, Prestwich, Manchester, M8 4LS
Erection of outbuilding
19/11/2021

21 /0400 DMO 223 Walmersley Road, Bury, BL9 5DF
Non compliance with conditon no. 3 for parking provision on p/p 66822
29/11/2021

21 /0353 DMO 24 26 Bolton Street, Ramsbottom, Bury, BL0 9HX
Installation of 2 no. roller shutters
05/10/2021

21 /0416 PK 25 Hardmans Road, Whitefield, M45 7BB
Running a car repair business from home
15/12/2021

21 /0424 DMO 26 Harwood Road, Bury, BL8 3PY
The land behind property is green belt land and they are currently on site removing
all the trees, all
22/12/2021
old oak trees are being completely destroyed, all the trees are going to be gone.

21 /0375 DMO 27 Stainton Road, Radcliffe, Manchester, M26 3TP
Unauthorised building works
04/11/2021

21 /0423 PK 271 Bury New Road, Whitefield, Manchester, M45 8QP
Breach of condition 3 for planning permission 54839 for works to be carried out to
the footway.
20/12/2021

21 /0394 PK 3 North Avenue, Tottington, Bury, BL8 4DU
Erection of brick wall at front and rear
22/11/2021

21 /0383 PK 309 Walmersley Road, Bury, BL9 5EZ
Change of use of property into 7 no. flats and conversion of garage into living
accommodation
10/11/2021

5QL 21 /0397 DMO 31 Waterside Road, Summerseat, Ramsbottom, Bury, BL9
Extension at front
26/11/2021

21 /0381 DMO 311 Holcombe Road, Tottington, Bury, BL8 4BB
Awaiting Has been floating between BR and Planning appears to be a boundary dispute.
02/11/2021
complainant/Cllr Dean to call back

21 /0373 PK 37 Kendal Road West, Tottington, Bury, BL0 9SY
Running mini van/transport business from home
04/11/2021

21 /0421 PK 395 Bury New Road, Whitefield, Manchester, M45 7SU
Extension above rear garage
17/12/2021

21 /0354 PK 4 Leyburn Close, Whitefield, Manchester, M45 7UE
Loft conversion/dormer extension
07/10/2021

21 /0411 PK 409 Dumers Lane, Radcliffe, Manchester, M26 2QN
Breach of condition of planning permission 56636 (3 no, flats not 2 as approved)
14/12/2021

21 /0348 DMO 41 Kenmor Avenue, Bury, BL8 2DY
Dormer roof extension at rear
01/10/2021

21 /0401 PK 433 Bury New Road, Prestwich, Manchester, M25 1AF
Installation of extraction flue
18/11/2021

21 /0377 PK 46 Watling Street, Bury, BL8 2JJ
Erection of fencing
08/11/2021

21 /0386 PK 47 Riverside Road, Radcliffe, Manchester, M26 2PX
Running business from property and change of use of the property to HMO (House
of Multiple Occupation)
15/11/2021

21 /0404 DMO 5 Bury Old Road, Prestwich, Manchester, M25 0FX
Timber cladding/structure to outside of building
03/12/2021

21 /0378 DMO 5 Meadway, Bury, BL9 9TY
Untidy land
08/11/2021

21 /0407 DMO 50 Bridge Street, Ramsbottom, Bury, BL0 9AQ
Installation of extractor flue to side elevation
10/12/2021

21 /0402 PK 503 505 Bury New Road, Prestwich, M25 7AJ
New shop front and new front sign and change of use of premises
01/12/2021

21 /0358 PK 512 Manchester Road, Bury, BL9 9NZ
Erection of front porch
12/10/2021

21 /0384 PK 52 Bury Old Road, Prestwich, Manchester, M25 0ER
Breach of condition no.1 of temporary planning permission 60004 (Portacabin to be
on site no more than 3 years) and addition of 1 no. portacabin
10/11/2021

21 /0387 DMO 56 Windsor Road, Prestwich, Manchester, M25 0DE
Not being built in accordance with planning permission 66998
15/11/2021

21 /0393 DMO 6 Garden Street, Summerseat, Ramsbottom, Bury, BL9 5PQ
Erection of fencing to driveway and new vehicular access
22/11/2021

21 /0356 DMO 6 Mile Lane, Bury, BL8 2DS
Erection of structure in rear garden and installation of 2 no. velux windows
11/10/2021

21 /0366 PK 6 North View, Whitefield, Manchester, M45 7UP
Storage container in front garden
21/10/2021

21 /0351 DMO 6 Ringley Close, Whitefield, Manchester, M45 7HR
Unauthorised works adjacent 4 Ringley Close
05/10/2021

21 /0374 PK 61 Scholes Lane, Prestwich, Manchester, M25 0AW
Erection of fencing and double gates at rear
04/11/2021

21 /0410 PK 68 Ringley Road, Whitefield, Manchester, M45 7LN
Untidy land
14/12/2021

21 /0406 DMO 75 Bankhouse Road, Bury, BL8 1DY
Single storey rear extension not built in accordance with approved plans of
planning permission
02/12/2021
66831 and new roof light

21 /0388 DMO 8 Parrenthorn Road, Prestwich, Manchester, M25 2RH
Erection of fencing and removal of shared hedgerow
15/11/2021

21 /0367 DMO 81 Holme Avenue, Bury, BL8 1HW
Installation of cctv camera
27/10/2021

21 /0360 DMO Badger Street, Bury, BL9 6AD (and other nearby streets)
Complaint regarding graffiti and general untidy land relating to premises and land
within the area.
14/10/2021

21 /0417 DMO Buckley Lane, Prestwich, M25 3HR (Former Viidor waste
transfer station)
Breach of condition, Construction Management Plan
15/12/2021

21 /0390 DMO Fletcher Bank Quarry/Ramsbottom Works, Manchester Road,
Ramsbottom, Bury, BL0 0DD
Breach of condition no.8 (vehicle wheel washing) of planning permission 65585
19/11/2021

21 /0371 DMO Fletcher Bank Works, Manchester Road, Ramsbottom, Bury,
BL0 0DD
Breach of Conditions No's 3,4 and 5 of 56576
02/11/2021

21 /0409 PK Former Garage Colony Off Mosley Street/Hampson Fold,
Radcliffe, Manchester, M26 4PF
Breach of planning condition no. 17 (CTMP) of planning permission 63408
14/12/2021

21 /0355 DMO Former Site of Andrew Textile Industries Ltd, Walshaw Road,
Bury, BL8 1LF

Breach of construction management plan condition
08/10/2021

21 /0398 DMO Former Viridor Waste Transfer Station, Buckley Lane,
Prestwich, M25 3HR

(64977) Demolition of existing wall and landscaping not in accordance with approved plans
22/11/2021

21 /0380 DMO Hey House, 2 Moorbottom Road, Ramsbottom, Bury, BL0 4NS

Unauthorised works being carried out to listed building
05/11/2021

21 /0363 DMO Higher Woodhill Farm, Woodhill Road, Bury BL8 1BS

Not in accordance with planning approval 66859 Car parking and wall not
'removed'
19/10/2021

21 /0385 DMO Land Adjacent to The Coach House, Foot O The Rake,
Ramsbottom, Bury, BL0 9HE

Turning the land into a car park and erection of wall
12/11/2021

21 /0418 DMO Land at the side of no,18 Springside Road, Bury, BL9 5JE

Land to the side of 18 Springside Road. Large fences have been erected
today. Strong water
16/12/2021
course North to South under the land and caller has huge concerns for the
land. Large machinery
in place and digging has commenced the digging started 15/12
21 /0350 DMO Land Between 7 & 11 Prestwich Park Road South, Prestwich,
Manchester, M25 9PF

Breach of condition no.9 of planning permission 59311
01/10/2021

21 /0372 PK Land On Garside Hey Road, Bury, BL8 1HZ

Dilapidated wall
03/11/2021

21 /0370 PK Land On Woodgate Hill Road, Bury, BL9 7LT

Works to TPO protected trees
28/10/2021

21 /0414 DMO Land to the West of Manchester Road, Ramsbottom, Bury,
BL0 0BZ

Breach of conditions relating to parking (Planning permission 63617)
14/12/2021

21 /0369 DMO Lowercroft Industrial Estate, Lowercroft Road, Bury, BL8 3PA

Permitted light industrial use of (Class B1 0800 to 17.00hrs) and units are
operating/making noise
22/10/2021
well into the evening and weekend (one of the businesses does metal fabrication
work (metal
cutting and grinding) and disturbance by fork lift truck operating outside in the yard
and many other
noises and loud bangs); Previously burnt down structure has recently been re clad
with block work
to the lower section also "lean to"s" built against the boundary walls in the North
East corner of the
site (adjoining Whitecroft Drive and Wigglesworth Close)

21 /0349 DMO Meadowcroft Farm, Lowercroft Road, Bury, BL8 3PD

Transportation and disposal of waste/rubble on site
01/10/2021

6SP	21	/0413 DMO	Mill Yard Cottage, Mount Pleasant, Nangreaves, Bury, BL9
			Unauthorised works within a conservation area/listed building 14/12/2021
	21	/0405 DMO	Millercare, 69 87 Bolton Road, Bury, BL8 2AH
			Private parking signs 06/12/2021
	21	/0392 DMO	Park Hill, 1A Bury Old Road, Prestwich, Manchester, M25 0FX
			Erection of marquee in car park 18/11/2021
	21	/0368 PK	Rear of 2 Holly Street, Tottington, Bury, BL8 3EZ
			Erection of outbuilding 27/10/2021
	21	/0376 DMO	The Croft, Moorbottom Road, Ramsbottom BL8 4NS
			Unauthorised building work (external flue) 05/11/2021
	21	/0422 DMO	The Tyre Station, Unit 1, Manor Street, Bury, BL9 7BL
			High build up of tyres on pavement, unsafe 17/12/2021
	21	/0365 PK	Whitefield County Primary School, Victoria Avenue, Whitefield, Manchester, M45 6DP
			Works to 5 no. sycamore trees that are part of tree protection order no. 255 20/10/2021
	21	/0359 DMO	York Street, Radcliffe, Manchester, M26 2WH (Pins)
			Breach of construction management plan 11/10/2021
	76		Number of Complaints

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