

BOROUGH OF KETTERING

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Report Originator	Dean Baker, Senior Development Officer P.J Chaplin, Development Manager	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	11 February 2014	
Title	Enforcement Action Monitoring		

1. PURPOSE OF REPORT

To present an update report on enforcement monitoring. The Planning Committee on 30 July 2013 had agreed that the format of the report used then was suitable and this is used again, though it is being kept under review so that suitable changes can be incorporated in future reporting. A quarterly reporting frequency was envisaged, however, this update covers the remainder of the past year as well as the first month of 2014.

2. INFORMATION

The scheme of delegation relating to enforcement action was reviewed in February 2013, and subsequently adopted following alteration to the Council Constitution. Planning enforcement decisions are to be determined by the Head of Development Services. As before, if considered appropriate the Head of Service could refer enforcement matters to the Planning Committee if the action is significant or controversial, and any non-urgent enforcement matter could be 'called-in' by Ward Members.

3. OUTPUT AND PERFORMANCE MONITORING

- 3.1 At the end of July last year overall there had been 179 cases (complaints that may give rise to enforcement action) that were still open. Whilst new complaints have come in since, by the end of January 2014 overall the total number of cases in hand had dropped from 179 to 142. Over the last two quarters of 2013 the number of complaints received per quarter had changed from the 67 in the April – June 13 period to respectively a slight fall of 62 over July- Sept 2013 and a greater fall in number to 41 over the Oct- Dec 2013 period.

Therefore, in the period 1 July 2013 to 31 January 2014 the following number of complaints received, closed and cases still open were as follows:

Complaints Received	Complaints closed	Numbers of cases still open as at 31 Jan 2014
112	143	142

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Action to manage these cases continues. Priority is given to cases based on the nature of the complaint and its likely consequences. A Priority 1 is a response same day or as soon as practically possible, the service standards for a first response to a Priority 2 and a Priority 3 is respectively 14 and 21 days.

Of the cases closed, the average time between receipt and closure was 196 days (28 weeks). 13 complaints were closed on day zero (i.e. same day closure); 33% were closed within 6 weeks of receipt.

As reported in July 2013, temporary Stop Notices had been issued relating to what appeared as work preparatory to the siting of mobile homes on three parcels at Greenfields, Braybrooke Road. The parcels in question have not been occupied.

3.2 Formal action July 2013 to January 2014

During the period 31 July 2013 to 31 January 2014, as shown on the table in section 3.3 below, one enforcement notice was issued for the site 23 Hall Lane (No. 8 on the table); one section 215 notice was issued for site at 34 Stamford Road, Kettering (No. 7 on table) and one injunction was obtained in the High Court requiring (the person(s) responsible to desist from laying of hardcore/ hard surfacing at land at and around parcel NN229004 at 'Greenfields', Braybrooke Road, Braybrooke. If it is necessary an enforcement notice will be issued to secure removal of the hardcore. In addition, last month there was an enforcement Notice issued relating to land at Warkton Lodge Farm (No. 9 on Table below)

3.3 Enforcement & Stop Notices (issued after April 2012): Outcome Update for period 31 July 2013 to 31 January 2014

This table excludes those cases previously reported where no further action is due.

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Breach	Address	ref	Date of issue	Update
1) Roller shutters etc to Shop Front	16 Station Road, Desborough	EN12.0015	12/10/2012	Appeal dismissed. Notice complied with
2) Construct extension at 2 nd floor	36 Cecil St, Rothwell	EN 11.0102	12/11/2012	Permission granted on appeal – notice quashed
3) Roller shutters to Shop Front	31 Station Road, Desborough	EN12.0220	14/01/2013	Notice complied with
4) First floor extension to garage	4 Springfield Close, Kettering	EN 12.0149	15/02/2013	Compliance period lapsed. Further application refused and no appeal lodged. Compliance not achieved.
5) Use of property for swimming instruction	33 Longfellow Drive, Kettering	EN12. 0010	15/02/2013	Notice complied with
6) Change of use of land to garden	Nus Hill Lodge, Cransley Road	EN 09.0138	25/02/2013	Steps 1-4 complied with. Remaining steps still within compliance periods
7) Adverse effect on amenity (s.215)	34 Stamford Road, Kettering	EN.12.0171	22/08/2013	Compliance not achieved. Seeking quotes to carry out works in default
8) Change of use of house to include landscape contractor's depot	23 Hall Close, Kettering	EN 12.0144	01/10/2013	Notice complied with
9) Material change of use from agricultural to mixed use comprising agriculture, storage of vehicles and associated car sales.	Land at Warkton Lodge Farm	EN/2013/01 97	20/01/14	Notice to take effect 17/03/14 unless appeal made beforehand. Period for compliance 1 and 2 months from date notice takes effect

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4. **CONSULTATION AND CUSTOMER IMPACT**

Responding to reports on alleged breaches and informing those who raise concerns of the outcome of the investigations.

5. **POLICY IMPLICATIONS**

The Council's approach to Enforcement follows best practice.

6. **FINANCIAL RESOURCE IMPLICATIONS**

No financial implications.

7. **HUMAN RESOURCE IMPLICATIONS**

Investigation and follow up actions identified in the table above were undertaken through the Council's Officers.

8. **LEGAL IMPLICATIONS**

The preparation of the Injunction reported above was undertaken in accordance with due process, in conjunction with the Head of Democratic and Legal Services.

RECOMMENDATION

- 1) That this report is noted;
- 2) Members provide any feedback they may have as the usefulness of the reporting format (or other comments relating to the reporting of this information).

Background Papers:

Title of Document: Enforcement Register
Date: From 2009
Contact Officers: Peter Chaplin & Dean Baker

Previous Reports/Minutes:

Ref: Planning Committee
Date: 30 July 2013