

BOROUGH OF KETTERING

Committee	PLANNING COMMITTEE	Item 7.1	
Report Originator	Peter Chaplin Development Manager	<i>Fwd Plan Ref No: N/A</i>	
Wards Affected	ALL	20 October 2015	
Title	Enforcement Action Monitoring		

1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring, covering the period of 01 July 2015 to 30 September 2015

2. INFORMATION

Planning enforcement decisions are determined by the Head of Development Services who could refer enforcement matters to the Planning Committee if the action is significant or controversial. Any non-urgent enforcement matter could be 'called-in' by Ward Members who are being/ will be informed of any proposed action, recognising that sometimes urgent action eg a Stop Notice, may be required.

This further quarterly update follows the format and scope of information for enforcement monitoring reports which the Planning Committee have agreed to be suitable for the purpose.

3. OUTPUT AND PERFORMANCE MONITORING

3.1 The number of complaints on hand by the beginning of October (complaints that may give rise to enforcement action) had reduced to 87 compared with the end of the second quarter (97). The trend downwards is continuing to improve, keeping the numbers to manageable levels.

3.2 The response to a complaint involving a Priority 1 is same day or as soon as practically possible, the service standards for a first response to a Priority 2 and a Priority 3 are respectively 14 and 21 days.

3.3 Where Development Services are investigating a possible planning response eg in regard to 'untidy land' action through a Section 215 Notices where similar issues that are being considered by other arms of the Council the result may mean action being taken through means other than the planning legislation. In one case for example where a S215 Notice wasn't warranted to secure the removal of vegetation on the front of a house, action is being taken by Environmental Health under recent legislative powers they are leading on. Communication between services on complaints common to Development Services

and Environmental Health has and will identify possible effective action in regard to some complaints.

3.4 The number of complaints closed is similar to the last quarter.

3.5 For our customers to have confidence in the ways in which KBC responds to the issues raised, including where necessary effective enforcement action is a core value.

3.6 Therefore, for the reporting period 1 July to 30 September 2015 the following number of cases that had been received or closed and the numbers on hand at the end of the quarter were respectively:

Complaints Received	Complaints closed	Numbers of cases on hand as at 05 October 2015
51	53	87

3.6 Formal action 01 July 2015 to 30 September 2015

During the above period, as shown on the table in section 3.7 below further action arising from non-compliance at Farriers Farm, Thorpe Underwood and in respect of 32 High Street, Cranford are anticipated. In addition, legal action is also anticipated in respect of a long standing enforcement notice, regarding a balustrade/first floor windows and decking at 246 Barton Road, Barton Seagrave (ref: ENF:2012/00054)

Legal action has commenced in respect of an unauthorised Gypsy and Traveller pitch (24b) at Greenfields, near Braybrooke. Two unauthorised caravans have left the area of Greenfields known as "plot 6" following Council intervention. NB Planning Applications for Gypsy and Traveller pitches are due to be considered by the Planning Committee on 27 October 2015.

3.7 Enforcement, Stop Notices (issued after April 2012) and action against untidy land (Section 215) Outcomes Update for period 01 July 2015 to 30 September 2015

This table excludes those cases previously reported where no further action is due, but updates the cases outstanding at the time of the last report.

Breach	Address	ref	Date of issue	Update
1) First floor extension to garage	4 Springfield Close, Kettering	EN 12.0149	15/02/2013	Remaining matter: non completion of rendering to walls: work (for which pp granted, ref KET/2014/0725) A short period to be given before proceeding with legal action for non- compliance
2) material change of use from agriculture to use land station a caravan for human habitation	Land at Farriers Farm, Lapin Lane, Thorpe Underwood	ENFO/2012/00168	26/01/15	No appeal received on enforcement Notice. Compliance deadline expired without compliance: Legal action to be pursued.
3) Untidy land (Section 215)	Frontage of 15 Nichols Street, Desborough	ENFO/2014/00177	24/02/15	Significant improvement. It is not considered to be not be proportionate to require anything further as a result of this notice. Case closed.
5) Material change of use from residential to mixed use: residential and builders yard and associated waste transfer and storage use	32 High Street, Cranford	ENFO/2012/00104	02/03/15	Compliance was required by 6 th May 2015. Whilst some waste taken away the evidence leads to the conclusion that further legal action is expected to follow.
6) balustrade/ window/ decking	246 Barton Road, Barton Seagrave	ENFO/2012/0054	02/07/15	Further action commenced
7) siting of caravans and other works	Plot 24b Greenfields near Braybrooke.	ENFO/2012/0180	09 July 2015	High Court granted injunction requiring site cleared; legal action continues

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: None

RECOMMENDATION

- 1) That this report is noted;
- 2) Members provide any feedback they may have relating to the reporting of this information.

Background Papers:

Title of Document: Enforcement Register
Date: From 2009
Contact Officer: Peter Chaplin

Previous Reports/Minutes:

Ref: Planning Committee
Date: 28 July 2015