

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Peter Chaplin Development Manager	<i>Fwd Plan Ref No:</i> N/A	
<b>Wards Affected</b>	ALL	19 January 2016	
<b>Title</b>	Enforcement Action Monitoring		

### 1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring, covering the period of 01 October 2015 to 31 December 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 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.

3.2 The number of complaints on hand by the beginning of January 2016 (complaints that may give rise to enforcement action) had remained about the level of the last reporting period though there is continuing focus in monitoring to ensuring that the numbers of cases remain easily manageable. The numbers of new complaints and cases closed within the period was about the same.

3.3 The emphasis this last quarter has been on the enforcement of unauthorised development on parts of the Greenfields site (see below) to ensure the site does not expand further whilst legal action or planning appeal is in process.

3.4 We are also working closely with colleagues in Environmental Health where it appears complaints about alleged breaches of planning control may overlap with issues they are aware of. In some cases the provisions of 2014 anti- social

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behaviour legislation may provide an effective route to pursue action eg one where a S215 Notice or traditional planning powers are not able to get to the heart of the concern. The intention is to examine this as a possible option in respect of relevant cases in hand, see below.

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 For the reporting period 1 October 2015 to 31 December 2015 the number of cases that had been received or closed and the numbers on hand at the end of the quarter were respectively:

<b>Complaints Received</b>	<b>Complaints closed</b>	<b>Numbers of cases on hand as at 05 January 2016</b>
37	38	94

### 3.6 Formal action 01 October 2015 to 31 December 2015

Legal action has continued in respect of an unauthorised Gypsy and Traveller pitch (24b) at Greenfields, near Braybrook.

The injunction relating to this was the subject of a challenge by the Defendant in the High Court on 1 December 2015. However, the defendant did not dispute the fact of the Injunction instead sought a variation on the time for compliance. The Court granted a period until 01 April 2016 for the defendant to cease occupation and remove caravans etc at Plot 24B. The Injunction requires that there be no further development in the meantime.

A further report in early December 2015 on caravans again being seen at Plot 6 was followed up. At a subsequent Officer site visit on 09 December 2015 the caravans and other items had been removed and no further action was necessary.

9 Planning Applications for Gypsy and Traveller pitches on Greenfields were refused planning permission at the Planning Committee on 27 October 2015, and another proposal for a pitch at Plot 7 was similarly determined at the Committee on 15 December 2015. It is expected that appeals against the refusals will be made.

An appeal against the refusal of planning permission on Plot 24B has been submitted to the Planning Inspectorate but at the date of writing (11/01/16) the appeal had not been validated as further information was awaited from the

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appellant. It is expected that unless withdrawn, this appeal will be considered by a Hearing at a date to be fixed.

### 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) Being followed up 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	Legal action to be pursued.
3) 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 date was 6 <sup>th</sup> May 2015. Whilst some waste taken away the evidence indicates that further action still needed. Options for legal routes are being considered (please see para 3.4 above)

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6) balustrade at rear /window/ decking	246 Barton Road, Barton Seagrave	ENFO/2012/0054	02/07/15	Further action being pursued
7) siting of caravans and other works	Plot 24b Greenfields near Braybrooke.	ENF0/2012/0180	Court Hearings 09/07/15; 17/09/15 and 01/12/15	Injunction to be complied with by 01 April 2016. By 16 December 2015 caravans had reported as having been removed. However, monitoring is continuing.

#### 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**

The cost of pursuing an injunction at Plot 24B has inevitably resulted in legal Costs for being represented in the High Court.

#### 7. **HUMAN RESOURCE IMPLICATIONS**

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

#### 8. **LEGAL IMPLICATIONS:** Instructing Counsel for the High Court

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## **RECOMMENDATION**

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

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### Background Papers:

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

### Previous Reports/Minutes:

Ref: Planning Committee  
Date: 20 October 2015