

BOROUGH OF KETTERING

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

1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring, covering the period of 01 January 2016 to 30 June 2016

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 update follows the format and scope of information for enforcement monitoring reports which the Planning Committee have agreed to be suitable for the purpose. Two quarters are reported upon this time as in April and May the workload on the Planning Committee meant that it was necessary to postpone the report at that time. However, this report will identify the numbers of cases opened, closed and remaining at the end of each of the quarters.

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 July 2016 (complaints that may give rise to enforcement action) had fallen slightly since the beginning of the year but over the two quarters now being report a greater number of cases had been closed. 42% more cases were closed in the first quarter of this year compared with the last quarter on 2015 and by the end of the second quarter again more cases were closed than the numbers reported as closed in January.

3.3 For our customers to have confidence in the ways in which KBC responds to

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the issues raised, including where necessary effective enforcement action is a core value.

- 3.4 For the reporting periods respectively 01 January 2016 to 31st March 2016; and from 01 April 2016 to 30 June 2016 the number of cases that had been received or closed and the numbers on hand were:

Reporting period	Complaints received	Cases closed	Numbers on hand at 31st March 2016; and 07 July 2016 respectively
01/01/16 to 31/03/16	49	54	89
01/04/16 to 30/06/16	49	46	91

- 3.6 Formal action between 01 January 2016 to 30th June 2016

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

The injunction relating to this site has been the subject to a Court Hearing on 14 June 2016 and another date has been set for a further Court Hearing on 27 July 2016.

A Temporary Stop Notice was issued on 24 May 2016 in response to a new and unauthorised hard surfaced track that had been laid at that time. This breach of planning control leads up to Plot 24B

NB: An appeal against the refusal of planning permission on Plot 24B is to be considered by the Planning Inspectorate at a Planning Hearing to take place at the Council Offices starting on 23rd August 2016;

Similarly another Planning Appeal Hearing is due to commence on Wednesday 31st August 2016 to examine the refusal of 9 No applications for Gypsy and Traveller pitches on the bottom (southern half) of Greenfields

- 3.5 Enforcement, Stop Notices (issued after April 2012) and action against untidy land (Section 215) Outcomes Update for period 01 January 2016 2015 to 30 June 2016

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.

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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) Action continuing to secure 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	Action being pursued to secure removal of the caravan and matters raised in enforcement notice
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	Now fully complied with, case closed 20/05/16

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6) balustrade at rear /window/ decking	246 Barton Road, Barton Seagrave	ENFO/2012/0054	02/07/15	As at 05 May 2016 Railings in front of first floor door installed to prevent door being opened. Action to secure removal of balustrade/decking being pursued
7) siting of caravans and other works	Plot 24b Greenfields near Braybrooke.	ENF0/2012/0180	Further to Court Hearings 09/07/15; 17/09/15 and 01/12/15; other Court dates of 14 June 2016 and 27 July 2016.	Awaiting further Court Hearing in regard to the Injunction.
8) new track laid between middle field hedge and Plot 24B	Land northern area of Greenfields, near Braybrooke	Temporary Stop Notice issued	24 May 2016	Continuing to be followed up.

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**

Pursuing an injunction at Plot 24B has resulted in further legal costs for being represented in the High Court.

7. **HUMAN RESOURCE IMPLICATIONS**

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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

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: 19/01/16