

## 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	08 November 2016	
<b>Title</b>	Enforcement Action Monitoring		

### 1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring covering the reporting quarter of 01 July 2016 to 30 September 2016 and updates the position as at 28 October 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. This report will identify the numbers of cases opened, closed and remaining writing as well as action taken up to the date of writing (28/10/16)

### 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 end of October 2016 (complaints that may give rise to enforcement action) are up slightly since the beginning of July but currently still remain below 100 which remains manageable, though a further lowering of this figure is the focus. At the same time outstanding cases identified in July have been the subject of further action (see below) and new cases also have proceeded to formal enforcement action.

3.3 For our customers to have confidence in the ways in which KBC responds to the issues raised remains, a core value.

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3.4 For the reporting period 01 July 2016 to 30 September 2016, and the latest position, the number of cases that had been received or closed and the numbers on hand were:

<b>Reporting period</b>	<b>Complaints received and registered</b>	<b>Cases closed</b>	<b>Numbers on hand at 28 October 2016</b>
01/07/16-30/09/16	52	43	See below
01/10/16-28/10/16	16	22	97

### 3.6 Formal action between 01 July 2016 and 28 October 2016

Legal action has continued with a further High Court Hearing on 27 July 2016 in respect of an unauthorised Gypsy and Traveller pitch (24b) at Greenfields, near Braybrook.

The injunction relating to this site has in effect been suspended and further action will be determined after the outcome is known of the Planning appeal heard on 23/24 August 2016.

(NB The other Planning Appeal Hearing to examine the refusal of 9 No applications for Gypsy and Traveller pitches on the bottom (southern half) of Greenfields was postponed in August but is now due to commence on Wednesday 9<sup>th</sup> November 2016).

A Temporary Stop Notice was served in August 2016 in response to the unauthorised demolition and works at 77 Polwell Lane (a planning application regarding this is reported elsewhere on this agenda). Breach of Condition Notices were also served in regard to two sites, and other

Planning Contravention Notices (PCNs) were served in August 2016 in regard to the complaints about the Old Willows Travellers site at Broughton. This is subject to discussions with the agent pending possible further formal action

Finally, Breach of Condition Notices have been served in relation to two new cases (at 90g High Street, Burton Latimer, and 28 High Street, Kettering) as well as in regard to the continuing non-compliance at 4 Springfield Close, Kettering

### 3.5 Enforcement, Stop Notices (issued after April 2012) and other actions against unauthorised development: Outcomes Update for period 01 July 2016 to 28 October 2016.

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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)  Breach of Condition Notice served: legal action to follow after 4 November 2016 if still no 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	An Injunction being sought to secure removal of the caravan and matters raised in enforcement notice
3) balustrade fencing at edge of flat roofed area to rear	246 Barton Road, Barton Seagrave	ENFO/2012/0054	02/07/15	Letter sent 28/10/16 re the Enforcement Notice dated November 2003: Further Inspection by 4 November 2016 to determine follow up action
4) siting of caravans and other works	Plot 24b Greenfields near Braybrooke.	ENFO/2012/0180	Court Hearing on 27 July 2016: Injunction suspended till 31 <sup>st</sup> Oct 2016	Awaiting outcome of Appeal Hearing before considering next step
5) new track laid between middle field hedge and Plot 24B	Land northern area of Greenfields, near Braybrooke	Temporary Stop Notice issued 24 May 2016	PCNs issued: owners of land over which track goes not believed to be responsible	Awaiting outcome of Appeal Hearing on Plot 24B before considering next step

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6) demolition of bungalow and other works	Land at 77 Polwell Lane	ENFO/2016/00124	Temporary Stop Notice served August 2016	Update with Report to Planning Committee on ref: KET 2016/0622
7) Old Willows site at Broughton	Old Willows site at Broughton	ENFO/2016/00008	PCN's served August	Discussions ongoing with Agent pending further review
8) change of use from retail to residential	90G High Street, Burton Latimer	ENFO/2016/00093	Enforcement Notice issued 02/09/16	Appeal against Enforcement Notice (as well as S78 (refusal of planning permission))
9) non-compliance with conditions	Jenny's 28 High Street, Kettering	ENFO/2015/00064	Breach of Condition Notices served 18/10/16	Details required to be submitted by 18/11/16

#### 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 injunctions incur Court or Legal costs

#### 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 District Law or Counsel for County Court or 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: 19/07/16