

## 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	17 January 2017	
<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 October 2016 to 31 December 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. The last Report occurred during the fourth quarter of 2016 so this will update the figures of the earlier report and provide information of the progress of cases identified

### 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 (that may give rise to enforcement action) on hand by end of the reported quarter (Dec 2016) is stated below. The number of cases closed is higher than the number of new enquiries and as explained where formal action has occurred progress or resolution is evident, with the exception of the issues affecting Greenfields which are dependent upon planning appeal outcomes.

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 October 2016 to 31 December 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 05 January 2017</b>
01 October 2016 to 31 Dec 2016	34	38	99

### 3.5 Formal action updates

The Injunction in respect of an unauthorised Gypsy and Traveller pitch (24b) at Greenfields, near Braybrook will be reviewed once the outcome of appeal (subject of Hearing on 23/24 August 2016) against the refusal of planning permission is known

(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 twice in 2016 but is now due to commence on Wednesday 8<sup>th</sup> February 2017).

A Temporary Stop Notice that was served in August 2016 in response to the unauthorised demolition and works at 77 Polwell Lane subsequently expired. The issues arising have now been resolved and a report elsewhere on this agenda regarding the planning application KET/2016/0622 explains what has been achieved.

Broughton: In regard to Plot 1 on the old A43 following investigation no breach was found at Plot 1. Regarding the Old Willows Travellers site at Broughton a valid planning application for 10 pitches has now been submitted to the LPA (KET/2016/0847) This is on the site where consent exists for 6 pitches, ie proposing 4 extra pitches. This will now go through the required process and be reported to Planning Committee at the appropriate time.

The Enforcement Notice served in relation to unauthorised residential use at 90g High Street, Burton Latimer, has been quashed on appeal and planning permission granted. However, the Inspector in a decision dated 29/12/16 stated: "My judgement in relation to the planning merits was finely balanced and it was not unreasonable for the Council to refuse the application or to proceed with enforcement action"

The site owners re 28 High Street, Kettering) are now to comply with the Breach of Condition Notice. Rendering at 4 Springfield Close, Kettering has been done pursuant to another Breach of condition Notice. The full update is below.

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### 3.6 Enforcement, Stop Notices (issued after April 2012) and other actions against unauthorised development: Outcomes Update for period 29 October 2016 to 31 December 2017

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)  Following Breach of Condition Notice served: rendering completed, paint to render to complete by end of January
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	In process: Legal action for an Injunction 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	Breach now resolved: Balustrade and decking removed (confirmed on 14/11/16)
4) siting of caravans and other works	Plot 24b Greenfields near Braybrooke.	ENFO/2012/0180	Injunction action suspended till outcome of planning appeal	Decision awaited following Appeal Hearing of August 2016.

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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 expired	owners of land over which track goes not believed to be responsible	Awaiting outcome of Appeal Hearing on Plot 24B before considering next step
6) demolition of bungalow and other works	Land at 77 Polwell Lane	ENFO/2016/00124	Temporary Stop Notice was served August 2016, has since expired.	Desired outcome achieved, see update report on this agenda re planning application ref: KET 2016/0622
7) Old Willows site at Broughton	Old Willows site at Broughton	ENFO/2016/00008	New valid planning application received for 10 pitches	Application being considered in normal way:
8) change of use from retail to residential	90G High Street, Burton Latimer	ENFO/2016/00093	Enforcement Notice issued 02/09/16 quashed by Inspector 29/12/16	Matter resolved: see commentary under para 3.6
9) non-compliance with conditions	Jenny's 28 High Street, Kettering	ENFO/2015/00064	Breach of Condition Notices served 18/10/16	Details to be implemented on site agreed: works to commence by 14/01/17 and completed by 14/04/17

#### **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

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## 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

### **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: 08/11/16