

BOROUGH OF KETTERING

Committee	PLANNING COMMITTEE	Item 6.1	Page 1 of 5
Report Originator	Peter Chaplin Development Manager	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	22 August 2017	
Title	Enforcement Action Monitoring		

1. **PURPOSE OF REPORT**

To present to Committee a report on enforcement monitoring covering the reporting quarter of 01 April 2017 to 30 June 2017

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 second quarter of 2017.

3. **OUTPUT AND PERFORMANCE MONITORING**

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. The response times to the latter two categories are usually less and we are reviewing current targets.

The overall number of complaints (that may give rise to enforcement action) on hand at the time of preparing this report had fallen from the 94 total reported last time. This includes a significant number of cases (95) that have been closed. Furthermore, as a result of recent investigations there has been success with actions such as the removal of a number of unauthorised signs.

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

For the reporting period 01 April 2017 to 30 June 2017 the number of cases that had been received or closed are as follows. The numbers currently on hand are stated.

BOROUGH OF KETTERING

Committee	PLANNING	Item 6.1	Page 2 of 5
------------------	----------	-------------	----------------

Reporting period	Complaints received and registered	Cases closed	Numbers on hand at 10 August 2017
01 April 2017 to 30 June 2017	82	95	91

Formal action updates

A further monitoring site visit took place on 07 August 2017 to the bottom (southern field) at Greenfield. At that time all but one of the 7 plots which benefit from a temporary, personal planning permission were or appeared unoccupied.

During the quarter reported on an Enforcement Notice was served relating to unauthorised development at property off Woodside Road, Stoke Albany and a Breach of condition Notice served pursuant to a consent for offices/ flats at 44 Montague Street (please see the tables below)

Members will be aware that an application (KET/2016/0847) to increase the number of gypsy and traveller pitches by four at the Old Willows Travellers site at Broughton was refused at the 18 July 2017 Planning Committee, in summary because it was considered an overdevelopment. Since then Officers have met with the applicant's representative to understand their response to the refusal. We are continuing a dialogue as they wish to work with us for a solution in a revised proposal. This is a sensible way forward. The numbers of caravans that were on the site are not representative of high density proposed on the layout plan that was refused planning permission.

A Community Protection Notice (CPN) was recently served through Environmental Health relating to an overgrown front garden of 15 Nichols Street, Desborough. It is important to note that whilst this is not a means to respond through planning legislation, there are occasions when the CPN can be considered. This illustrates the Planning team's cross working with other Service areas.

The full Planning Enforcement update is below.

Enforcement, Stop Notices (issued after April 2012) and other actions against unauthorised development: Outcomes Update for period 01 April 2017 to 30 June 2017

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

BOROUGH OF KETTERING

Committee	PLANNING	Item 6.1	Page 3 of 5
------------------	----------	-------------	----------------

Breach	Address	ref	Date of issue	Update
1) 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 for an Injunction to secure removal of the caravan and matters raised in enforcement notice The case is due to go to the Crown Court on 22 September 2017
2) new track laid between middle field hedge and Plot 24B	Land northern area of Greenfields, near Braybrooke	Site monitoring	owners of land over which track goes not believed to be responsible	Options being considered
3) relating to plots two former plots on bottom (southern) field at Greenfields	Plots 8A; 10 (bottom southern field)	Appeal refs L2820/W/16/3144411 and 16/3144415 respectively	Appeal Decision dated 22/03/17	07 August 2017 Sites not occupied and caravans removed
4) relating to Gypsy plots on bottom field at Greenfields	Plots 4a;4b,4c,4d,7,8, 9,	Appeals refs L2820/W/16/ then respectively 3144399; 3144401; 3144403; 3144405; 3144408 3144410; 3144414	Appeal decision dated 22/03/17	At site visit on 7 August only Plot 8 shows signs of occupation; This group of plots will not be reported further within the period of temporary permissions unless there is evidence of a new material breach.
5) Old Willows site at Broughton	Old Willows site at Broughton	ENFO/2016/00008	planning application for 4 extra pitches refused 24 July	Engagement with applicant's representative for a different proposal

BOROUGH OF KETTERING

Committee	PLANNING	Item 6.1	Page 4 of 5
------------------	----------	-------------	----------------

6) Alleged breaches of unauthorised uses	Birchfield Springs, Rushton Road, Desborough	ENF/2016/00136	On going	Being monitored
7) Vehicle repairs, sandblasting, spraying, erection of building	Land off Woodside Road, Stoke Albany	ENF/2017/00040	Enforcement Notice served 13/07/2017	Period for compliance till 11 September 2017
8) non-compliance with condition	Land at 44 Montague Street Kettering	Relating to Offices and flats (26/07/17)	Breach of condition notice served	Compliance achieved 08/08/17

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 to Court incurs 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 (as appropriate)

BOROUGH OF KETTERING

Committee	PLANNING	Item 6.1	Page 5 of 5
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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.

Background Papers:

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

Previous Reports/Minutes:

Ref: Planning Committee
Date: 23/05/17