

BOROUGH OF KETTERING

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Report Originator	Peter Chaplin Development Manager	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	05 June 2018	
Title	Enforcement Action Monitoring		

1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring covering the reporting quarter of 01 January 2018 to 31 March 2018, plus recent updates since.

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 in February 2018 focused on the fourth quarter of 2017.

3. OUTPUT AND PERFORMANCE MONITORING

The Planning Enforcement Policy identifies timescales for the initial responses to an alleged breach or complaint about a land use or development upon it, ie

Level 1: Unauthorised works to listed buildings or to TPO trees or trees in a conservation area, works which result in a risk to public safety or are likely to cause serious and irreversible harm to the surrounding environment: Site visit before the end of the next working day and initial response to a complainant within 5 working days.

Level 2: Development not in accordance with a planning permission; unauthorised development; non-compliance with planning conditions; non-compliance with S106 obligations; there has been a change of use that requires 'prior notification' and no notice has been given: Site visit within 5 working days and thereafter an initial response to the complainant within 5 working days.

Level 3: Unauthorised display of advertisements, unsightly buildings, untidy land, high hedges: Site visit within 15 working days and thereafter an initial response to the complainant within 5 working days.

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That customers can have confidence in the ways in which KBC responds to issues raised remains a core value. Below are the statistics for the latest report:

Reporting period	Complaints received and registered	Cases closed	Numbers on hand at 24 May 2018
01 January 2018 to 31 March 2018	45	58	
Current quarter (01/04/18 to date, 24/05/18)	37	22	88

There are inevitable fluctuations in case loads at any point in time and the number of complaints/ investigations (that may give rise to enforcement action) on hand is the snap shot taken at mid second quarter of 2018. For the reporting period 01 January 2018 to 31 March 2018 the number of cases that had been closed was greater than the number received and the current total is close to the reduced total reported in February.

Updates

Further monitoring of Land at Farriers Farm, Thorpe Underwood has taken place. Any breach of the injunction which is in force until October 2019 and requires cessation of the use for human habitation of the caravan on the land at Farriers Farm, would follow due process.

Regarding unauthorised caravans at the Old Willows, Broughton: A planning application, ref: KET/2017/0980 for 2 static caravans, 2 tourers (for occupation by named family) and 6 other pitches was granted permission on 13 April 2018. Action is ongoing to facilitate implementation of the approved layout.

Land at the former roadway off Braybrooke Road, Desborough: As a result of an investigation into an unauthorised use, a planning application has been received relating to a change of use for 5 traveller caravans (ref: KET/2018/0309). This will be determined in due course.

The investigation into planning breaches at the site known as Birchfield Springs, Rushton Road, Desborough has been dealt with previously. Monitoring will continue. However, non- planning enforcement action has been initiated (ie action under different legislation) and a Community Protection Notice has been served in regard to adverse impacts arising from vehicle movements to and from the site. This is now following due process.

Enforcement, Stop Notices (issued after April 2012) and other actions against unauthorised development: Outcomes Update for period 01 January to 31 March 2018 and updates into the current quarter (till 24/05/18)

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The following table excludes those cases previously reported where no further action is due, but updates of the cases outstanding at the time of the last report are included below or referred to above.

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	Injunction granted requiring use of caravan for human habitation at Farriers Farm, Thorpe Underwood to cease. Monitoring to continue in discussion with Legal services
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	Under review as part of the larger Greenfields site.
3) Alleged breaches with unauthorised uses	Birchfield Springs, Rushton Road, Desborough	ENF/2016/00136	On going	Monitoring continuing; current focus is on non-planning action
4) Breach of condition regarding external materials (to flue)/ not in accordance with plans	1 Northampton Road. Broughton	ENFO/2017/00197	15/02/18	Part of a brick skin around a flue had been added (by 16/04/18) but work remains incomplete; Further action to ensure a resolution

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5) Failure to install drainage channel and outlet; unauthorised door and window (in wrong elevation)	6 Gunnell Close, Kettering	ENFO/2018/00027	26/04/18	Compliance required by 25/06/18
6) Unauthorised single storey timber building	Land r/o 19 Station Road, Desborough	ENFO/2018/00083	17/05/18	Removal required by 21 days from date the notice takes effect, ie 21 days from 21/06/18

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)

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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: 20/02/18