

BOROUGH OF KETTERING

Committee	PLANNING COMMITTEE	Item 6	Page 1 of 5
Report Originator	Peter Chaplin Development Manager	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	ALL	20 November 2018	
Title	Enforcement Action Monitoring		

1. PURPOSE OF REPORT

To present to Committee a report on enforcement monitoring covering the reporting quarter of 01 July 2018 to 30 September 2018, plus further information 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 on 04 September 2018 provided information on the second quarter of this year and an update on cases.

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.

BOROUGH OF KETTERING

Committee	PLANNING	Item 6	Page 2 of 5
------------------	----------	-----------	----------------

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

Reporting period	Complaints received and registered	Cases closed	Numbers on hand at 05 November 2018
01 July 2018 to 30 September 2018	47	33	
Current quarter (01/10/18 to date, 05/11/18)	18	7	98

There are inevitable fluctuations in the number of case on hand at any point in time and with the number of complaints/ investigations that may give rise to enforcement action.

The number of cases on hand are similar to the numbers reported last time.

Updates

As a consequence of community and Local Authority (LA) concerns about lorry movements and activities to or from the Birchfield Springs, Rushton Road, Desborough site, these activities are the subject of legal action (using non planning enforcement powers). The LA has submitted a case seeking a conviction for alleged breaches of Community Protection Notice(s) (CPN). Following a plea hearing on 02 October 2018 legal proceedings are continuing.

It should be noted that the use of CPN, a non- planning enforcement power, is assisting Officers in Development Services. CPN powers where appropriate are also used by other Council services (Environmental Protection/ Housing) and planning officers work closely with these other service areas regarding the use of CPN.

Enforcement, Stop Notices (issued after April 2012) and other actions against unauthorised development: Outcomes Update for period 01 July to 30 September 2018 and recent updates into the current quarter (till 05/11/18)

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
---------------	----------------	------------	----------------------	---------------

BOROUGH OF KETTERING

Committee	PLANNING			Item 6	Page 3 of 5
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	
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 investigations	Plea Hearing in Court re the alleged breaches CPNs was held on 02/10/18. Awaiting further Court dates.	
4) unauthorised single storey timber building	Land r/o 19 Station Road, Desborough	ENFO/2018/00083	17/05/18	Removal required. Action suspended whilst Enforcement appeal is considered by Planning. Inspectorate (awaiting a start date)	
5) unauthorised single storey wrap round extension	Land at 79 Hawthorn Road, Kettering	ENFO.2018/00006	15/06/2018	Action suspended pending outcome of enforcement appeal to Planning Inspectorate (awaiting start date)	

BOROUGH OF KETTERING

Committee	PLANNING	Item 6	Page 4 of 5
------------------	----------	------------------	-----------------------

6) unauthorised use of land for storage and operation of HGVs. Siting portacabin hardstanding and signage	Land at Top Lodge, Thrapston Road, Burton Latimer	ENFO/2018/00103	17/07/18	Unauthorised signage has been removed. Activities to cease and portacabin to be removed within 6 months of date notice took effect ie by 17/02/19
7) land adjacent to 88 Montague Street	Untidy land and rubbish	ENFO/2018/00122	23/08/18	Community Protection Notice (CPN) warning letter issued: site now tidied and rubbish had been cleared. Other aspects arising from LA action, currently awaiting decision by the Planning Inspectorate on a planning appeal following the LPAs refusal of planning permission for 6 apartments ref: KET/2017/0522

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.

BOROUGH OF KETTERING

Committee	PLANNING	Item 6	Page 5 of 5
------------------	----------	-----------	----------------

8. **LEGAL IMPLICATIONS:** Instructing District Law or Counsel for the Magistrates/County Court or the High Court (as appropriate)

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: 04/09/18