

CARLISLE CITY COUNCIL

Report to:- Development Control Committee

Date of Meeting:- 28th January 2011

Agenda Item No:-
ED 06/11

Public	Operational	Delegated: No
---------------	--------------------	----------------------

Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No

Title:- Quarterly Report on Planning Enforcement
Report of:- Assistant Director (Economic Development)
Report reference:- ED 06/11

Summary:-

This report presents an update on the scope of activity undertaken in the Enforcement of Planning Control.

Recommendation:-

That Members note the contents of the report.

Assistant Director (Economic Development)

Contact Officer: Martin Tickner

Ext: 7175

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0 Introduction

As a Local Planning Authority, Carlisle City Council is committed to training its staff and both enforcement officers will shortly be attending the following courses:

1.1 Training Courses

The next meeting of the Cumbria Planning Enforcement Group will take place at Allerdale Borough Council, Workington on 6th May 2011.

The annual Enforcement Forum organised by Trevor Roberts Associates will take place at Birchwood Park, Warrington on Thursday 20th October 2011.

1.2 Update on Enforcement Notices and Section 215 Notices Issued

7 Cliff Road, Sandysike – Erection of garden/summer house (not in accordance with the approved plans). Enforcement Notice issued on 13th May 2010. Appeal lodged on 23rd June 2010. The Inspectors decision dated 8th December 2010 was to dismiss the appeal but to vary the required works to removal of the roof lights. The compliance date to remedy the breach is 8th June 2011.

Site 78 (County Motors) Kingstown Broadway, Carlisle – Unauthorised sale of motor vehicles. Enforcement Notice issued on 23rd April 2010 following refusal of planning permission. Appeal against the planning decision and the Enforcement Notice lodged on 18th May 2010. The Inspector's decision dated 1st December 2010 was to dismiss the appeal and uphold the Enforcement Notice. The effective date by which motor vehicle sales is to cease is 1st March 2011.

Land between sheds 5 & 6 Sandysike, Longtown – Siting of caravans for residential use together with associated structures. Enforcement Notices issued on 4th & 5th October 2010 following refusal of planning permission. Appeals against the planning decision and Enforcement Notices lodged on 8th October 2010. The appeals are to be heard by a Planning Inspector at the Civic Centre on 1st March 2011.

Brookside, Brisco – Erection of timber framed porch on Listed Building – Listed Building Enforcement Notice issued on 22nd July 2010. An appeal against the Listed Building Enforcement Notice was dismissed by the Planning Inspector on 10th January 2011. The effective date for removal of the porch is 10th March 2011.

57 Green Lane, Carlisle – A Section 215 Notice was served on the owner of this property requiring him to tidy up the front and rear gardens and to replace the damaged front windows. The works subject of the notice were completed within the compliance period (by 14th December 2010) and no further action is necessary.

Field 2024 Burgh-by-Sands – An Enforcement Notice was been served on the owner of this land following removal of the hedgerow and deposit of hardcore materials,

concrete base and erection of a stable and shed. Planning permission has since been granted and no further action is necessary.

**To the Chairman and Members of the
Development Control Committee**

ED 06/11

Field 7351, Burgh-by-Sands – A Section 215 Notice has been served on the owner of this land which has become a dumping ground for a large variety of materials including fence panels, bathroom fittings, wooden pallets, black bins full of rubbish, tiles, concrete blocks and a host of other items. There has been no appeal and the works must be carried out by March 2011.

33-35 Lowther Street, Carlisle – Unauthorised signs and notices attached to a Listed Building and placing of air conditioning units which adversely affect the Listed Building. Enforcement Notices were served on 5th January 2011.

The Bush Hotel, Longtown – Untidy condition of the exterior of the building. Scaffolding is in place and works are due to commence on refurbishing the exterior of this building with the cost of the works being met by the administrator.

Egertons Recovery Ltd. Caxton Road, Newtown IE, Carlisle - Breach of Condition (erection of acoustic barrier and fence). Breach of Condition Notice served 11th October. Compliance period passed without works being undertaken and Court action has been initiated with a hearing date scheduled at Carlisle Magistrates Court on 31st January 2011.

2.0 Overview of Activity

During 2010, 226 enforcement cases have so far been recorded on the Acolaid system.

- 19 relate to a breach of planning conditions
- 7 relate to the siting of caravans
- 25 relate to agricultural land or buildings
- 101 relate to works at domestic properties
- 44 relate to works or activities at commercial properties
- 14 relate to housing schemes
- 16 relate to unauthorised signage

145 cases (as at 17th January) have been resolved either through negotiation or where site visits have revealed that no breach of planning control has actually taken place or where necessary, planning applications have been submitted and approved.

In addition 16 cases are still active from 2009 and 6 cases received prior to 2008 are still active for the following reasons:

Enforcement Notices have been issued in 5 cases
 Direct action is being taken in 1 of the cases
 Section 215 action is being taken in 3 cases
 Section 330 Notices have been issued in 2 cases
 An application have been submitted and awaiting determination in 1 case
 Negotiations are taking place on the remaining 10 cases but it is not expedient to take enforcement action at this stage

**To the Chairman and Members of the
 Development Control Committee**

ED 06/11

Year	No. of cases	Cases Resolved	Outstanding	Percentage resolved
2007	213	212	1	99.5%
2008	198	193	5	97.5%
2009	232	216	16	93.1%
Totals	643	621	22	96.6%

3.0 Recommendation

That Members note the contents of the report