

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 28th September 2012

Agenda Item No:-

Public

Title:- **QUARTERLY REPORT ON PLANNING ENFORCEMENT**

Report of:- **Director of Economic Development**

Report reference:- **ED 31/12**

Summary:-

This report presents a current update on the scope of activities undertaken by the Councils Planning Enforcement Officer.

Recommendation:-

That Members note the contents of this report

Contact Officer: Martin Tickner

Ext: 7175

J Meek

Director of Economic Development

19th September 2012

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. PURPOSE OF THE REPORT

This report presents a current update on the scope of activities undertaken by the Planning Enforcement Officer.

2. OVERVIEW OF ACTIVITY

As at 18th September, 135 enforcement cases have been recorded during 2012.

- 7 relate to a breach of planning conditions
- 5 relate to the siting of residential caravans
- 10 relate to agricultural land or buildings
- 68 relate to works at domestic properties
- 25 relate to works or activities at commercial properties
- 4 relate to housing schemes
- 16 relate to unauthorised signage

213 cases from 2011 (as at 18th September) 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 8 cases from 2010 are still active.

Year	No. of cases	Cases Resolved	Outstanding	Percentage resolved
2007	213	213	0	100.0%
2008	198	198	0	100.0%
2009	232	232	0	100.0%
2010	226	218	8	96.5%
2011	250	213	37	85.2%

3. UPDATE ON ENFORCEMENT NOTICES & SECTION 215 NOTICES

33-35 Lowther Street, Carlisle – Unauthorised signs attached to a Listed Building together with the placing of air conditioning units, which adversely affect the Listed Building. Enforcement Notices served on 5th January 2011 were subsequently appealed against. These appeals were dismissed on 17th August 2011 with the Inspector making minor variations to the wording of the Enforcement Notice and changing the compliance period to 6 months. The signs have now been removed from the building and discussions are ongoing with regards to screening the air conditioning units.

26 Hebden Avenue, Carlisle – The front garden of this property was completely overgrown and its condition was adversely affecting the amenities of neighbouring residents. The property is unoccupied and the land owner who lives in West Cumbria has not responded to any correspondence. A Section 215 notice was served on 4th January 2012 to take effect on 6th February with a compliance period of 2 months. The owner had not complied with the terms of the notice within the specified time period and the matter was reported to

the Magistrates Courts for prosecution. The garden has now been tidied up to the satisfaction of the Council and no further action is required.

Keysmount Farm, Blackford – Installation of two feed silos on the highway verge. An application to retain the silos was refused by members on 11th November 2011. Enforcement Notices have been issued and took effect on 9th May 2012 with a 3 month compliance period i.e. by 9th August 2012. No appeal has been lodged against the notice. One of the feed silos has been removed, but the other remains on site and prosecution will follow.

1 Burnrigg, Morton Park, Carlisle – Erection of boundary fence. An enforcement notice was served on the owner of this property seeking a reduction in height of the fence to not more than 1.0 metre above the existing ground level. The notice took effect on 9th May 2012 with a compliance period of 1 month i.e. by 9th June 2012. The fence panels have now been reduced in height to 1 metre and the case is now closed.

Field 0027 opposite The Drove Inn, Roweltown – Siting of a residential caravan and storage of a shipping container. This matter was reported to members of the DC Committee on 27th January 2012, officers were authorised to take enforcement action. An enforcement notice served on the landowner took effect on 9th May 2012 with a compliance period of 9 months i.e. by 9th February 2013. No appeal has been lodged against the notice.

170 Whernside – Erection of car port over rear yard. An Enforcement notice was issued on 20th March 2012 to take effect on 23rd April 2012 with a compliance period of 30 days i.e. to 23rd May 2012. Compliance has not taken place and the case is being referred to the Magistrates Courts.

The Centurion Inn, Walton - Change of use of public house. An enforcement notice was issued on 2nd May 2012 to take effect on 2nd July 2012 with a compliance period of 6 months i.e. by 2nd January 2013. An appeal against the notice has been lodged and is currently being considered by the Planning Inspectorate.

4. TRAINING COURSES

As a Local Planning Authority, Carlisle City Council is committed to training its staff and the planning enforcement officer will be attending the following courses.

The Cumbria Planning Enforcement Group meets at Eden District Council, Penrith on Friday 16th November 2012.

The Annual Trevor Roberts Associates Enforcement Forum takes place at Staff House Conference Centre, Manchester on Thursday 25th October 2012.

5. RECOMMENDATION

That Members note the contents of the report

6. IMPLICATIONS

- Staffing/Resources – Officers within the Economic Development Directorate have been working to resolve these matters with developers, agents and other representatives
- Financial – Officers have attended enforcement related training courses within existing budget
- Legal – Legal advice has been sought for approval of notices
- Corporate – The work outlined in this report will help deliver the Corporate Plan objective that relates to achieving improvements in the quality of the local environment
- Risk Management – Not applicable
- Equality and Disability – Not applicable
- Environmental – The service of Section 215 notices helps to protect the amenities of neighbouring residents
- Crime and Disorder – Not applicable
- Impact on Customers – The service of Enforcement related notices helps to prevent an unacceptable impact on neighbouring properties

Impact assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?		
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

If you consider there is either no impact or no negative impact, please give reasons:

The impact created by unauthorised work has the potential to affect the immediate environment and residents in the vicinity and is not directed at a single group/area

If an equality Impact is necessary, please contact the P&P team.