

Development Control Committee

Agenda
Item:
A.2

Meeting Date: 21st October 2016

Portfolio:

Key Decision: No

Within Policy and
Budget Framework

No

Public / Private

Public

Title: QUARTERLY REPORT ON PLANNING ENFORCEMENT

Report of: Director of Economic Development

Report Number: ED.36/16

Purpose / Summary:

This report presents an update on the scope of activities undertaken by the Council's Planning Enforcement Officer.

Recommendations:

That Members note the contents of this report

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

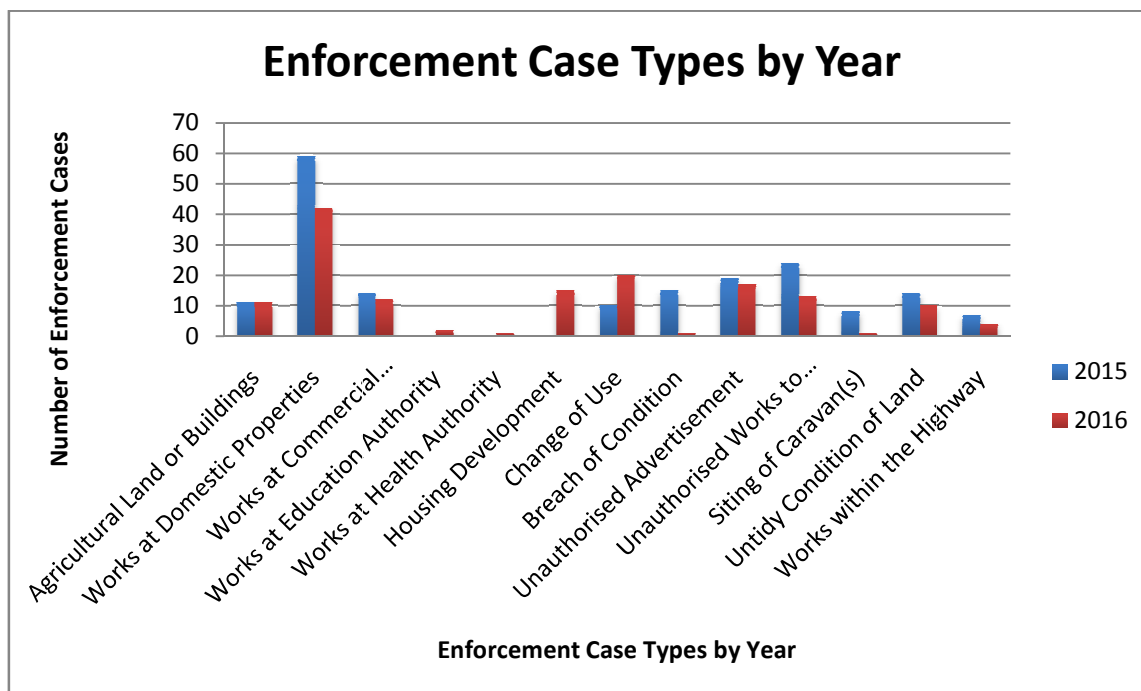
1. OVERVIEW OF ACTIVITY

At the time of writing this report, 149 cases have been recorded in 2016, of which 62 have been resolved. This compares to a total of 181 cases in 2015, of which 155 have been resolved.

The cases can be allocated to the Enforcement Case Types as follows:

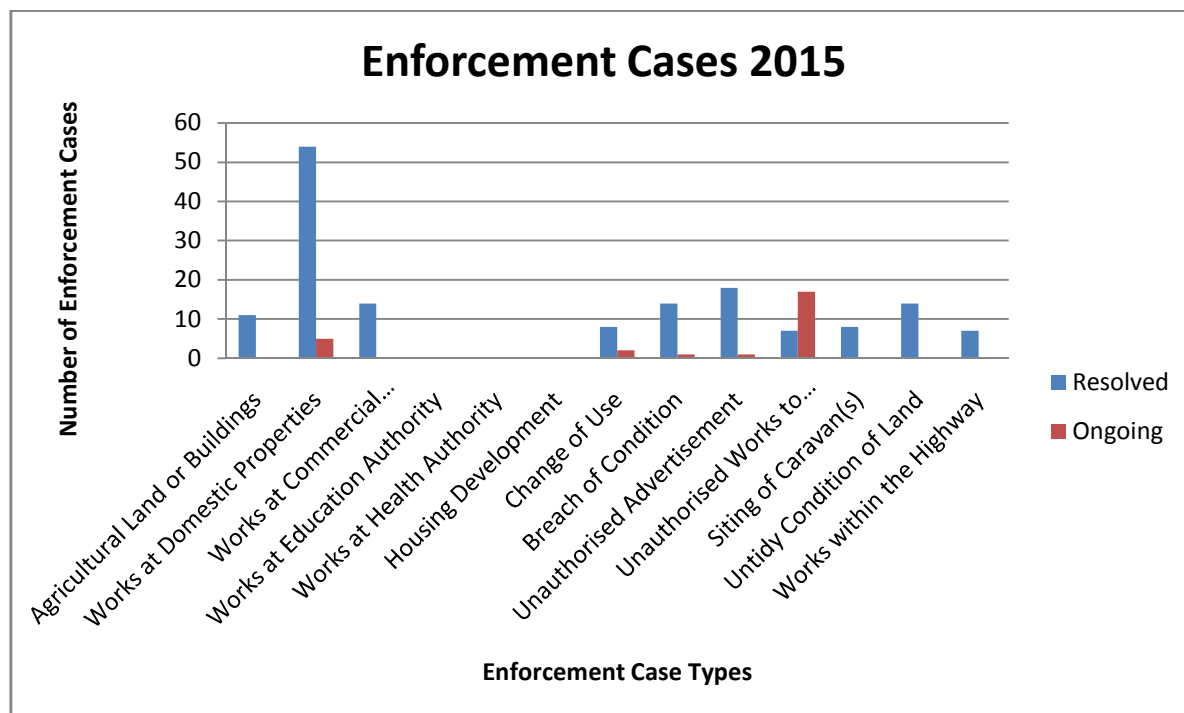
Enforcement Case Types by Year		
	2015	2016
Agricultural Land or Buildings	11	9
Works at Domestic Properties	59	42
Works at Commercial Properties	14	12
Works at Education Authority	0	2
Works at Health Authority	0	1
Housing Development	0	15
Change of Use	10	20
Breach of Condition	15	1
Unauthorised Advertisement	19	17
Unauthorised Works to Listed Building	24	13
Siting of Caravan(s)	8	3
Untidy Condition of Land	14	10
Works within the Highway	7	4
TOTAL	181	149

The graph below illustrates the comparison of Enforcement Case Types between 2015 and 2016.



A total of 155 cases have been resolved and 26 cases are ongoing from 2015. Of these, 17 relate to Unauthorised Works to Listed Buildings, 5 relate to Works at Domestic Properties, 1 relates to a Breach of Condition and the final 1 relates to Unauthorised Advertisement.

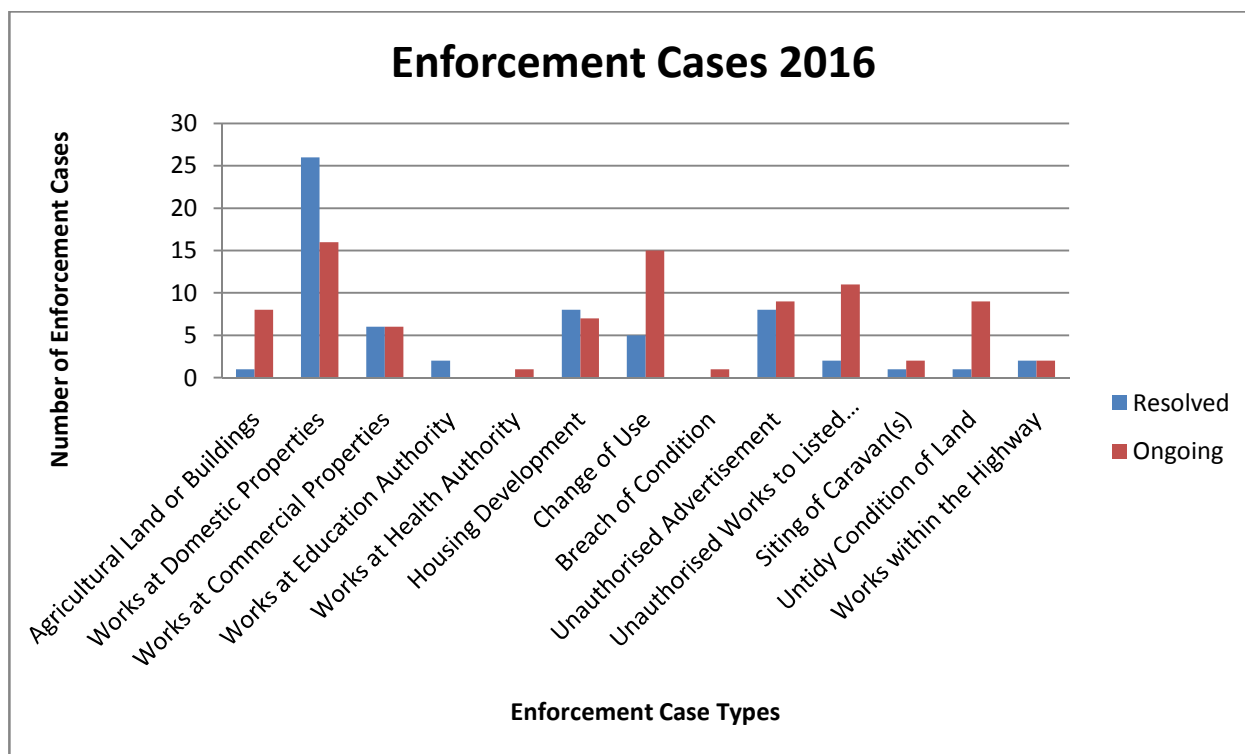
Enforcement Cases 2015		
	Resolved	Ongoing
Agricultural Land or Buildings	11	0
Works at Domestic Properties	54	5
Works at Commercial Properties	14	0
Works at Education Authority	0	0
Works at Health Authority	0	0
Housing Development	0	0
Change of Use	8	2
Breach of Condition	14	1
Unauthorised Advertisement	18	1
Unauthorised Works to Listed Building	7	17
Siting of Caravan(s)	8	0
Untidy Condition of Land	14	0
Works within the Highway	7	0
TOTAL	155	26



A total of 62 cases have been resolved and 87 cases are ongoing from 2016. Of these, 8 relate to Agricultural Land or Buildings, 16 relate to Works at Domestic Properties, 15 relate to Change of use, 9 relate to Unauthorised Advertisement, 11 relate to Unauthorised Works to Listed Buildings, and 9 relate to Untidy Condition of Land. The remaining cases are split between Works at Commercial Properties, Works at Health Authority, Breach of Condition and Works within the Highway. There are no ongoing cases relating to Works at Education Authority.

Enforcement Cases 2016		
	Resolved	Ongoing
Agricultural Land or Buildings	1	8
Works at Domestic Properties	26	16
Works at Commercial Properties	6	6
Works at Education Authority	2	0
Works at Health Authority	0	1
Housing Development	8	7
Change of Use	5	15
Breach of Condition	0	1
Unauthorised Advertisement	8	9
Unauthorised Works to Listed Building	2	11
Siting of Caravan(s)	1	2
Untidy Condition of Land	1	9
Works within the Highway	2	2

TOTAL	62	87
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A large proportion of the Unauthorised Works to Listed Building cases involve the installation of pvcu windows in place of timber sash windows. Planning Officers, in partnership with the Conservation Officer, are in negotiations with the Owners / Occupiers of these properties with a view to replacing these windows within reasonable timescales.

2. UPDATE ON ENFORCEMENT NOTICES

Tarn End Hotel, Talkin (Ref. EC/14/0035)

Planning application 16/0062 was submitted in January 2016 for the 'Conversion Of Former Hotel To Provide 6No. 2 Bedroom Apartments And Re-Configuration Of Redundant Outbuildings To Form 12No. 2 Bed Apartments Including 4No. New Build Apartments; Altered Vehicular Access And Parking Arrangements; Associated Landscaping'. The application was refused at the 18th March meeting of this Committee. An appeal has been lodged with the Planning Inspectorate and further information is awaited on the timescale for this appeal.

Car Park at Crown Street, Carlisle (Ref. EC/15/0074)

This area of vacant land was used as a builder's yard with ancillary car parking for employees and customers visiting Carlisle Glass Ltd. Carlisle Glass vacated the building

and this area of land was opened up as a public Pay and Display Car Park. As such, the land is no longer available for prospective occupiers and visitors to other users of the building. No planning application has been forthcoming and the Council considers it expedient to take enforcement action under Policy T1 (Parking Guidelines for Development) of the Carlisle District Local Plan 2001-2016 for the following reasons:

1. The availability of public car parking in the vicinity
2. The impact of parking provision on the environment of the surrounding area
3. The likely impact on the surrounding road network
4. Accessibility by and availability of other forms of transport.

An Enforcement Notice (Material Change of Use) was served on the landowners on the grounds of 'Change of use of the land formerly used as a builder's yard with ancillary parking for employees and visitors to a public 'pay and display' car park'. The compliance period has expired and the terms of the notice have not been complied with, a Witness Statement has subsequently been referred to Legal Services which is currently being reviewed.

Former Centurion Inn, Walton (EC/16/0003)

Planning application 16/0167 was submitted in February 2016 for the 'Change Of Use OF Public House (A4 Use) With First Floor Letting Rooms And Ancillary Residential Accommodation To Cafeteria/Restaurant (A3 Use) With First Floor Ancillary Residential Accommodation'. The application was refused in April 2016 and the applicant has appealed to the Planning Inspectorate. The appeal is currently outstanding.

95 Burgh Road, Carlisle (Ref. EC/12/0042)

This matter has been ongoing for a long time and despite a clean-up in 2014, the condition of the gardens continues to be an issue for neighbouring residents. Local Planning Authorities are now able to take action under the Anti-Social Behaviour, Crime and Policing Act 2014. As part of the Act, the Council may issue a Community Protection Notice if they consider that the '*condition of the land is anti-social and as such is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct it is unreasonable*'. A Written Warning has already been served on the owner of the property to say that the Council will issue a Community Protection Notice if he fails to comply with the warning letter. The Written Warning has not been complied with and further advice is being sought from Legal Services. A draft Community Protection Notice will be issued to Legal Services for their review.

3 Dixon Road, Carlisle (Ref. EC/16/0020)

This matter has been ongoing for a long time and despite a previous clean-up, the condition of the gardens continues to be an issue for neighbouring residents. Local Planning Authorities are now able to take action under the Anti-Social Behaviour, Crime and Policing Act 2014. As part of the Act, the Council may issue a Community Protection Notice if they consider that the '*condition of the land is anti-social and as such is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct it is unreasonable*'. A Written Warning has already been served on the owner of the property to say that the Council will issue a Community Protection Notice if he fails to comply with the warning letter. The Written Warning has not been complied with and further advice is being sought from Legal Services. A draft Community Protection Notice will be issued to Legal Services for their review.

Land to the rear of South View, The Green, Houghton (Ref. EC/16/0009)

The land is being used for the storage of multiple motor vehicles. An Enforcement Notice has previously been served on part of the land. It is now considered appropriate to issue a further Enforcement Notice to include the land which fell outside of the previous Enforcement Notice to prevent the Owner from relocating the motor vehicles within land in his ownership at the address. A Written Warning has previously been issued to the owner of the property to say that the Council will take further action, through the Courts if necessary, if the motor vehicles are not removed. A draft Enforcement Notice will be issued to Legal Services for their review.

3. RECOMMENDATION

That Members note the contents of this report

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

4.1 Not applicable

Contact Officer: Paul Fenton

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Appendices None
attached to report:

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**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources - None