

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 8th June 2012

Agenda Item No:-

Public

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

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

Report reference:- **ED 23/12**

Summary:-

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

Recommendation:-

That Members note the contents of the report

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Director of Economic Development

23rd May 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 Officers

2. OVERVIEW OF ACTIVITY

As at 23rd May, 75 enforcement cases have been recorded during 2012.

- 5 relate to a breach of planning conditions
- 2 relate to the siting of residential caravans
- 4 relate to agricultural land or buildings
- 39 relate to works at domestic properties
- 13 relate to works or activities at commercial properties
- 3 relate to housing schemes
- 9 relate to unauthorised signage

197 cases from 2011 (as at 23rd May) 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 11 cases from 2010 are still active. 1 case received in 2009 as shown below is still active.

Cross House Farm, Great Orton (09/0222) - Installation of upvc windows in a Listed Building. This property has recently been purchased and the new owners have lodged an application for Listed Building Consent to make alterations to this property including removal of the unauthorised upvc windows and reinstatement with timber sash windows.

Year	No. of cases	Cases Resolved	Outstanding	Percentage resolved
2007	213	213	0	100.0%
2008	198	198	0	100.0%
2009	232	231	1	99.6%
2010	226	215	11	95.1%
2011	250	197	53	78.8%

3. UPDATE ON ENFORCEMENT NOTICES & SECTION 215 NOTICES

33-35 Lowther Street, Carlisle – Unauthorised signs attached to a Listed Building together with the unauthorised 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. Discussions, as required by the Inspector, between officers and the Appellant towards regularising the signs and identifying appropriate screening of the air

conditioning units took place but without any conclusion within the timescale. Prosecution for non-compliance with the notice is due to commence shortly.

3 St Martins Close, Brampton – Untidy condition of front garden of property. The garden of this property is being used to store building materials to the detriment of neighbouring residents. A Section 215 Notice served on the land owner on 7th December took effect on 9th January with a compliance period of 2 months. The frontage has been partially tidied up and officers are continuing to pursue the occupant for further improvements.

26 Hebden Avenue, Carlisle – The front garden of this property is completely overgrown and its condition is 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 has not complied with the terms of the notice within the specified time period and the matter has been reported to the Magistrates Courts for prosecution.

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.

1 Burnrigg, Morton Park, Carlisle – Erection of boundary fence. An enforcement notice has been 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. No appeal has been lodged against the notice.

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 meeting on 27th January 2012 who authorised officers 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.

Low Arches, Low Allenwood Farm, Broadwath – Conversion of barns to live work units. An Enforcement notice was issued on 14th March 2012 to take effect on 25th April 2012 with a compliance period of 12 months i.e. by 25th April 2013. An appeal against the notice was lodged on 24th April. The grounds of the appeal are (1) planning consent ought to be granted, (2) there has been no planning breach, and (3) the steps required for compliance are excessive. The enforcement notice has subsequently been withdrawn (on 17th May) following consideration of the impact of the National Planning Policy Framework.

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.

Timber shed on land at field 0500, Cumrew – This case involved the unauthorised erection of a timber building on land within the North Pennines Area of Outstanding Natural Beauty. An Enforcement Notice was served on 22nd June 2011 with compliance due by 27th October 2011. There was no compliance by that date and prosecution proceedings commenced at Carlisle Magistrates Court on 18th April 2012, but were subsequently adjourned due to the non appearance of the land owner. The shed has since been taken down and all materials have been removed from the land (14th May).

4. TRAINING COURSES

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

The Cumbria Planning Enforcement Group at the Civic Centre, Carlisle on 25th May 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 the 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.