

# CARLISLE CITY COUNCIL

**Report to:-** Development Control Committee

**Date of Meeting:-** 30<sup>th</sup> September 2011

**Agenda Item No:-**  
ED 33/11

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**Public**

**Operational**

**Delegated: No**

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## **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

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**Title:-** Quarterly Report on Planning Enforcement

**Report of:-** Assistant Director (Economic Development)

**Report reference:-** ED 33/11

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## **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.

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 Purpose of the Report

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

### 1.1 Overview of Activity

As at 19<sup>th</sup> September 2011, 181 enforcement cases have so far been recorded.

- 8 relate to a breach of planning conditions
- 5 relate to the siting of caravans
- 28 relate to agricultural land or buildings
- 90 relate to works at domestic properties
- 27 relate to works or activities at commercial properties
- 9 relate to housing schemes
- 14 relate to unauthorised signage

100 cases (as at 19<sup>th</sup> 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 29 cases from 2010 are still active. 7 cases received prior to 2009 are still active for the following reasons:

Enforcement Notices have been issued in 4 cases

Negotiations are taking place on the remaining 3 cases but it is not expedient to take enforcement action at this stage

Year	No. of cases	Cases Resolved	Outstanding	Percentage resolved
2007	213	212	1	99.5%
2008	198	198	0	100.0%
2009	232	226	6	97.4%
2010	226	197	29	87.2%
<b>Totals</b>	<b>869</b>	<b>833</b>	<b>36</b>	<b>95.8%</b>

## 2.0 Update on Enforcement Notices and Section 215 Notices Issued

Timber Cabin at Field 0500, Cumrew – Unauthorised shed on land within the North Pennines Area of Outstanding Natural Beauty. Enforcement Notice was served on 22<sup>nd</sup> June 2011 requiring removal of the shed from the land by 27<sup>th</sup> October 2011. The site is being monitored for compliance.

Site 78 (County Motors) Kingstown Broadway, Carlisle – Unauthorised sale of motor vehicles. Enforcement Notice issued on 23<sup>rd</sup> April 2010 following refusal of planning permission. Appeals against the planning decision and the Enforcement Notice were lodged on 18<sup>th</sup> May 2010. The Inspector's decision dated 1<sup>st</sup> December 2010 dismissed the appeals and upheld the Enforcement Notice. The breach continues and Court proceedings have been initiated. However, an application has been received on 18<sup>th</sup>

August 2011 for a temporary change of use to enable the display and sale of vehicles until October 2014. In order to protect the Councils position the Court proceedings will remain in place until the current application is determined.

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 variety of materials including fences, bathroom fittings, pallets, black bins full of rubbish, tiles, concrete blocks and general rubbish. The landowner is complying with the notice and the vast majority of items have now been removed from site. Regular visits are taking place to ensure compliance.

33-35 Lowther Street, Carlisle – Unauthorised signs and notices attached to a Listed Building together with the unauthorised placing of air conditioning units, which adversely affect the Listed Building. Enforcement Notices served on 5<sup>th</sup> January 2011 were subsequently appealed against. These appeals were dismissed on 17<sup>th</sup> August 2011 with the Inspector making minor variations to the wording of the Enforcement Notice and changing the compliance period to 6 months to enable the Appellant to liaise with officers over regularising the signs and identifying appropriate screening of the air conditioning units.

The Centurion Inn, Walton – Unauthorised change of use of premises and operational development. Section 330 Notices have been served requiring the provision of relevant information ahead of formal enforcement action, these notices have been completed and returned. Owners are being encouraged to submit a retrospective application otherwise Enforcement Notices will be served before the end of the year

30 Dowbeck Road, Carlisle – Untidy condition of gardens. This property is unoccupied; however scrap material and cars have been deposited in the gardens over a period of 2/3 years. The landowner is willing to tidy up the gardens but threats made by another interested party are making removal difficult. Officers have tried to help with the clearance but without success. Section 215 (Disamenity) Notices have been served on both the landowner and other interested party with the compliance period expiring on 20<sup>th</sup> September 2011. In the event that the gardens are not clear of the items listed in the notice, I propose that the Council carry out direct action.

### **3.0 Training Courses**

As a Local Planning Authority, Carlisle City Council is committed to training its staff and both enforcement officers regularly attend enforcement related courses.

The annual Enforcement Forum organised by Trevor Roberts Associates will take place at Staff House Conference Centre, Manchester on Thursday 20<sup>th</sup> October 2011.

The annual NAPE Conference takes place at Stockport on Thursday 10<sup>th</sup> November 2011.

The next meeting of the Cumbria Planning Enforcement Group takes place at the Yorkshire Dales National Park Authority, Bainbridge on 18<sup>th</sup> November 2011.

### **3.0 Recommendation**

That Members note the contents of the report