

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 27th January 2012

Agenda Item No:-

Public

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

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

Report reference:- **ED 05/12**

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

17 January 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 31st December 2011, 250 enforcement cases were recorded during 2011.

- 19 relate to a breach of planning conditions
- 7 relate to the siting of residential caravans
- 36 relate to agricultural land or buildings
- 119 relate to works at domestic properties
- 40 relate to works or activities at commercial properties
- 9 relate to housing schemes
- 20 relate to unauthorised signage

167 cases from 2011 (as at 5th 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 20 cases from 2010 are still active. 2 cases received in 2009 are still active for the following reasons:

An Enforcement Notice has been issued in 1 of the cases. Negotiations are taking place on the other case but it is not expedient to take enforcement action at this stage.

Year	No. of cases	Cases Resolved	Outstanding	Percentage resolved
2007	213	213	0	100.0%
2008	198	198	0	100.0%
2009	232	230	2	99.1%
2010	226	206	20	91.1%
2011	250	167	83	66.8%

3. UPDATE ON ENFORCEMENT NOTICES & SECTION 215 NOTICES

Timber Cabin at Field 0500, Cumrew – Unauthorised shed on land within the North Pennines Area of Outstanding Natural Beauty. An Enforcement Notice was served on 22nd June 2011 requiring removal of the shed from the land by 27th October 2011. The shed remained on site beyond the compliance date and prosecution for non-compliance with Enforcement Notice is about to commence.

Site 78 (County Motors) Kingstown Broadway, Carlisle – Enforcement action has been terminated following the granting of temporary consent for car sales to cease by 21st October 2014

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 has removed the vast majority of items and the land no longer constitutes a disamenity.

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 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 are on-going.

30 Dowbeck Road, Carlisle – Untidy condition of gardens. The front and rear gardens have been tidied up and the condition of the land no longer constitutes a disamenity.

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 was served on the land owner on 7th December which took effect on 9th January with a compliance period of 2 months.

26 Hebden Avenue, Carlisle – The front garden of this property is completely overgrown and affecting the amenities of neighbouring residents. The property is unoccupied and the land owner lives in West Cumbria and 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.

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 action has been authorised but discussions are taking place with Cumbria County Council who are the landowners regarding a joint plan of action, Enforcement Notices will be issued shortly.

4. TRAINING COURSES

As a Local Planning Authority, Carlisle City Council is committed to training its staff and both enforcement officers have recently attended the following courses.

The Annual Enforcement Forum organised by Trevor Roberts Associates at Staff House Conference Centre, Manchester on Thursday 20th October 2011.

The Annual NAPE Conference at Stockport on Thursday 10th November 2011

The Cumbria Planning Enforcement Group met at the Yorkshire Dales National Park Authority, Bainbridge on 18th November 2011.

The next meeting of the Cumbria Planning Enforcement Group will take place at the Civic Centre in Carlisle on 25th May 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 are not directed at a single group/area

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