

BRIEFING PAPER PLANNING ENFORCEMENT

July – December 2011

Introduction

1. This report summarises the level of enforcement activity undertaken within South Kesteven District Council for the period July – December 2011. The purpose of this report is to provide Members with an update on progress of the Planning Enforcement Service for the period highlighted.

Update

2. Since the last report the Habenero trial has been completed. The number of complaints/queries being received by the enforcement service still features a high level of participation in investigating planning enforcement matters.

Staffing

3. Since the last report one of the enforcement officers has retired. Currently, the area is being covered by one officer, though it is acknowledged that the position requires a second officer based on the level of investigations being undertaken and the complexities of some of the cases. Recruitment has commenced to fill this vacant post. The administrative support officer used through the Habenero system has not been maintained. The Section 106 Monitoring Officer is currently providing a limited enforcement support role. It is expected there will be a replacement though not maintained on a permanent basis. Whether this part time cover is sufficient will continue to be assessed over the next 6 months.

Enforcement Report/Activity

5. Since the 31 July 2011 there has been 384 complaints registered as of 31 December 2011. Of those 109 cases have been closed based on a conclusion e.g. no breach, planning application approved, not expedient, time barred and breach remedied.
6. There have been 5 enforcement notices, 1 Listed Building Enforcement Notice and 1 Section 215 Notice served since the last reporting period and 2 enforcement appeals have been lodged. Currently no Breach of Condition Notice has been served during this reporting period.

Enforcement Performance Figures July/December 2011

Cases Opened	384
Cases Closed	109

ACTIONS	
Enforcement Notices	5
Beach of Condition Notices	Nil
S215 Notices	1
Listed Building Enforcement Notice	1
Temporary Stop Notice	Nil
Stop Notice	Nil
Prosecutions (Notice non-compliance)	Nil
Prosecutions (Adverts)	Nil
PCN/S330/S16 Notices	3

APPEALS	
Enforcement Appeals Lodged	2
Enforcement Appeals Dismissed	Nil
Enforcement Appeals Allowed	Nil
Enforcement Appeals Withdrawn	Nil

Enforcement Action

- 1. Greytrex House, Tinwell Road Lane, Stamford (Use of 2 x annexes as separate living accommodation to main dwelling)** – Planning Inspectorate awarded partial costs to council. Appellant is unwilling to accept council's break down of costs. It has been determined by both parties that a sum of £4000 be paid. There is still an issue with how the sum will be paid.
- 2. Grange Farm, Hougham (Car Boot Sales)** – Enforcement Notice served in connection with unauthorised use of land (car boot sales). Enforcement monitoring.
- 3. Lenton Pastures, Folkingham road, Pickworth** – Agricultural barn. Enforcement Notice served. Reason for issuing notice – partial erection of dwelling. Owner appealed notice by written representation. Statements with Planning Inspectorate awaiting decision.
- 4. Newton House, 44A High Street, Woolsthorpe by Colsterworth** – erection of pergola attached to listed building. Enforcement Notice served. Recent letter from legal requesting compliance with the enforcement notice. Further visit to be conducted by enforcement officer to confirm whether owner has complied with notice.
- 5. 44 Kingsway, Bourne** – Service of Section 215 Notice – Untidy land. Notice took effect 2 January 2012 and four months to comply with notice.
- 6. Black Bull, Lobthorpe (UPVC windows in Listed Building)** – non compliance with enforcement notice regarding unauthorised alterations to listed building. Documents with legal for prosecution. Further letter forwarded to owner requesting compliance. Report at last DC Committee prosecution proceedings being undertaken.

7. **Café Black, Stamford (Canopy attached to Listed Building)** – Planning application refused. Enforcement Notice served. Appeal submitted by appellant to Planning Inspectorate. Appeal dismissed. Three months from Planning Inspectorates decision to remove canopy.
8. **New Fox Service Station, South Witham (Sale of motor homes)** – Enforcement Notice served owners contest validity of notice. Planning Inspectorate confirm enforcement notice valid. Tenant has partially complied with enforcement notice. Further contact with land owner for full compliance with enforcement notice. Letter forwarded by legal for full compliance of notice.
9. **Tallington Lakes, Tallington (Occupation of holiday caravans on permanent residential basis)** – a number of complex matters have been encountered at the caravan park. Legal seeking Counsel's advice on a number of issues at the site.
10. **38 Chapel Street, Haconby (Extension of garden curtilage)** – Enforcement Notice served and appeal received. Appeal withdrawn. Owner submitted Lawful Development Certificate for hard-standing. Evidence rejected unable to appeal as valid Enforcement Notice active.
11. **14 Berkeley Drive, Bourne (Fence)** – Enforcement Notice served for reduction in height of fence. Owner has appealed notice, date of public inquiry has been given for 1 May 2012 by Planning Inspectorate.
12. **Odd House Farm, Holme Lane, Claypole (Use of agricultural building for livestock. Permitted use storage)** – Enforcement Notice served and appeal received. Planning Inspectorate confirmed appeal by written representation. Agricultural building now has planning permission though no housing of livestock in barn. Monitoring.
13. **6 Barn Hill, Stamford** – Use of dwelling as annex to The Crown Hotel. Enforcement Notice served. Applicant appealed notice. Awaiting decision from Planning Inspectorate.
14. **Land adj 3 High Street, Pointon** – retrospective planning application for alterations to approved scheme. Refused by Committee. Section 330 (Requisition for Information) served requesting details of all interested parties in the premises. Enforcement action to follow.
15. **The Poplars, 19 Village Street, Gelston (House extension)** – Planning application refused and appealed. Enforcement Notice served compliance date 27 January 2012. Planning application submitted for variations to the original scheme and approved via Planning Inspectorate.
16. **The Workshop, Valley Lane, Long Bennington (Joinery workshop used for residential purposes)** - Wooden joinery building being partially used for residential occupation. Enforcement Notice served and appeal made by owner. Currently statements being submitted to Planning Inspectorate, public inquiry 20 March 2012.
17. **9 Wharf Road, Grantham (Erection of 2 x air conditioning units)** – Planning application refused. Enforcement notice served with compliance date 27 September 2011. Tenant in discussions with Enforcement Officer about relocation of air conditioning units.

S106 ENFORCEMENT REPORT - December 2011

Currently, there are approximately 150 Section 106 Agreements being monitored in various stages of compliance, part-compliance or breach. The following is a sample of the matters referred to Legal services:-

1. (10) S01/1182 - Old Station Yard, Station Road, Morton

Committed sum of £40,000 Affordable Housing contribution remains unpaid. SKDC Legal Services are in the process of instructing a Barrister to draft the Particulars of Claim and act as Advocate in High Court proceedings against the Developer to recover the monies outstanding.

2. (62) S99/1156 - Manthorpe Road, Grantham (Langford Gardens)

Committed sum of £100,000 Affordable Housing contribution remains unpaid. SKDC Legal Services are in the process of instructing a Barrister to draft the Particulars of Claim and act as Advocate in High Court proceedings against the Developer to recover the monies outstanding.

3. (28) S03/0506 & S03/0613 Southfield Business Park, Bourne

Matter referred to Legal Services. Inadequate space left for LEAP on site. Well Head Fields/Bourne Recreation ground suggested as suitable alternative site. Deed of Variation required. 21.04.11 Developer has passed the matter to their Solicitors regarding the Deed of Variation. Legal Services awaiting response from Planning Officer to proposals received.

4. (63) S99/1172 Manor and Walnut Farm, Tallington

Developer requested refund of AH contribution (£25,000) paid under SKDC Policy at the time. Matter went to Committee on 4 January 2011. Refused. Decision sent out on 10 January 2011. Applicant out of time to appeal.

5. (44) S05/0148 Land to the rear of 98/99 Westgate, Grantham

Position being monitored pending commencement of development.

6. (25) S03/0024 Land R/O 113-135 Dysart Road, Grantham

Inadequate space left for LEAP on site. SKDC Healthy Communities Officer approved Wroxall Road as suitable alternative site. Deed of Variation required. 29.04.10 Developer paid £750 legal fees for Deed of Variation. Legal Services has drafted Deed of Variation. 16.12.10 Consultation Notice to be prepared by SKDC Healthy Communities Officer. SKDC Planning Officer to take matter to Committee for permission to vary S106 then instruct Legal Services to prepare DoV. Possible alternative location for LEAP equipment (Haddon Road) which would obviate the need for children to cross Dysart Road to gain access. Awaiting Officer recommendations before proceeding.

7. (22) S02/1169 - Springfield Road, Grantham

With the assistance of Legal Services, the balance of S106 contributions for Education and Play Equipment was received on 4 July 2011. Triggers for remaining obligations continue to be monitored.

8. (43) S05/0107 – Land at Ermine Street, Ancaster

It was agreed by Committee that part of the play equipment could be installed at Ancaster playing field, which has been done. The remainder of the equipment (LAP) is to be installed on site. The Developer is in the process of removing the existing soil and re-grading and re-seeding prior to installation of the on-site play equipment.

S106 MONIES IDENTIFIED FROM 1 Jly 2011 to 31 Dec 2011

Key: PE = Play Equipment; GAM = Green Area Maintenance; AH = Affordable Housing;
EDU = Education; AOS = Adoption of Open Space; PCT – Primary Care Trust;
ART = Public Art; TR = Highways; TCE = Town Centre Enhancement

S106 Ref No	Planning App Ref	Site Location	Amount	Received
(22)	S02/1169	Land off Springfield Road, Grantham (PE)	£4,432.50	04.07.11
(107)	S07/1521	Land at Manning Road, Bourne (PE)	£13,990.00	30.11.11

TOTAL RECEIVED BY SKDC

£18,422.50

Other Monies paid direct to LCC

S106 Ref No	Planning App Ref	Site Location	Amount	Received
(22)	S02/1169	Land off Springfield Road, Grantham (EDU)	£14,777.00	04.07.11
(43)	S05/0107	Land at Ermine Street, Ancaster (EDU)	£293,000.00	04.07.11
(84)	S07/1323	Wherry Yard, South Road, Bourne (EDU)	£160,382.00	11.07.11
(107)	S07/1521	Land at Manning Road, Bourne (PE)	£46,620.00	30.11.11

TOTAL PAID DIRECT TO LCC

£514,779.00

Other Monies paid direct to PCT

S106 Ref No	Planning App Ref	Site Location	Amount	Received
(107)	S07/1521	Land at Manning Road, Bourne (PCT)	£16,955.00	30.11.11

TOTAL PAID DIRECT TO PCT

£16,955.00

Recommendation

It is recommended that the Committee note the content of the report.