

Subject:	Planning Enforcement Report	Status:	For Publication
Report to:	Development Control Committee	Date:	6 th November 2018
Report of:	Planning Manager	Portfolio Holder:	Regulatory Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
	Members are advised to note the report contents.

2. INTRODUCTION

This report has been prepared with a view to looking at the Council's planning enforcement performance in the last quarter July – September 2018.

As reported in the last quarterly report, the enforcement team have been working towards ensuring that the backlog of enforcement cases are all investigated, some of which go back a number of years. The team are pleased to report that the backlog of cases are all now either investigated to completion or actively under investigation and as will be seen in the case statistics matrix the department are now running on a healthy and manageable number of investigations.

By way of example in relation to one of the backlog cases investigated with a degree of success is that relating to 30 Manchester Road, Haslingden - a small but significantly positioned corner grocery store. The property was subject of an Enforcement Notice in 2012 in relation to inappropriately erected roller shutters creating an adverse effect on the amenity of the area. Despite repeated requests to remove them and comply with the notice the owners steadfastly refused. Upon re-investigation in July this year, the enforcement team were met with the same response. As a result direct action was taken to remove the shutters and the owners prosecuted for non-compliance with the notice. The interest attracted by the direct action caused calls to be made to the planning office from local residents thanking officers for their efforts in tidying up the area. The deterrent effect such positive action can have in preventing breaches in planning control and securing compliance with enforcement notices cannot be underestimated.

On a similar note in relation to compliance, the team have also secured compliance during the same period with 4 x Enforcement Notices, 1 x Section 225A Notice (removal of unlawful advertisement) and 1 x Section 215 Notice (untidy site).

In relation to untidy sites, direct action was taken to remove the unsightly hoardings at Holly Mount House within the Rawtenstall Conservation Area, action which was again well received and made a significant impact in the neighbourhood.

The following statistics have been collated from the beginning of July 2018 to the end of September 2018.

3. CASES UPDATE

The following table shows the status of cases at the beginning of October 2018.

Total Cases For Investigation At start of Second Quarter	115
Total New Cases Recorded	49
Total Cases For Investigation	164
Total Cases Investigated and Finalised	89
Total Open Cases Left Under Investigation	75
Historic Cases Left to Allocate	Nil (<i>Backlog cleared</i>)

4. ENFORCEMENT ACTION TAKEN

Good enforcement entails extensive negotiation and the most successful outcomes can be measured in compliance being achieved without recourse to the use of formal enforcement action. Nevertheless such powers exist for those who continue to ignore planning regulations and whereby such breaches are considered to cause proportionate levels of harm to amenity, resulting in the use of the Council's statutory powers under the relevant planning acts.

The following matrix details instances where it has been considered necessary to proceed with formal enforcement action. In comparison with some similar sized Councils times the necessity to pursue formal enforcement action could well be mistaken for having taken place over a twelve month period and not three months as is the period shown below:

Enforcement Notices Issued	6
Temporary stop Notices Issued	1
Section 215 Notices Issued	2
Urgent Works Notices Issued	1
S225 (Removal of Advertisements) Notices	1
Prosecutions	2
Cases where 'Direct Action' taken	2
Warrants of Entry	2

5. LOOKING FORWARD

For less involved cases and to increase cost effectiveness the team have now moved to a paperless recording and filing system for new enforcement cases. This builds on the increased use of the case management database (Uniform), detailed in the last report and now managers and supervisors can access documents associated with reported cases without the need to locate and search through paper files.

Research is now taking place on what measures might be effective at preventing breaches in planning control happening in the first place. Some breaches appear to take place due to a lack of knowledge and by genuine mistake. *(For example persons constructing raised decking to improve their properties and useable garden space has been unusually high this year).*

In such instances, if commonly occurring breaches can be identified early and appear to be seasonal as in the above example, perhaps effective communication and publicity can assist members of the public to understand their permitted development rights before development takes place. Not only would this alleviate valuable resource and investigation time it would save time and money for residents and businesses in Rossendale who would surely be appreciative of such a pro-active approach to planning enforcement.

Any feedback on this report or ideas on how the enforcement team can improve their service or performance for the benefit of Rossendale would be much appreciated.

6. CONCLUSION

Members are asked to note the update provided in the report. Should Members wish to view any of the Enforcement Notices that have been served or require any further information regarding them it is advised that they contact the Planning Enforcement Team.