

Planning Committee

Various Wards

11 August 2009

INFORMATION ITEM

(Report of the Acting Head of Planning and Building Control)

1. Purpose of Report

To receive an information report in respect of statistics relating to enforcement activity in the previous six months.

2. Recommendation

The Committee is asked to RESOLVE that

the information report be noted

3. Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

Financial

3.1 There are no direct financial implications in this report.

Legal

3.2 Legal implications are as detailed in the report and as set out in the following Acts:-

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

Policy

3.3 Policy implications are as detailed in the report, Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

3.4 Background, Key Issues

In line with previous requests from Members of the Committee, the Information Report can include items of information (if any) on:

- a) reasons for the granting of planning permission
- b) decisions taken under delegated authority
- c) outcomes of appeals against planning decisions
- d) outcomes of appeals against enforcement action
- e) notification of appeals received
- f) notification of prosecutions relating to enforcement of planning control
- g) details of statistics relating to planning applications received and the enforcement of planning control

3.5 Risk

As detailed within the report as appropriate.

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.
Planning and Compulsory Purchase Act 2004.

3.6 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.

3.7 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Sustainability / Environmental

3.8 As detailed in each individual report.

4. Other Implications

Any Asset Management, Community Safety and Human Resources implications will be detailed in the attached separate report(s).

Social Exclusion: Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

5. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

6. **Author of Report**

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail:-iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

Appendix 1 - 6 monthly review of Committee enforcement authorisations

Appendix 2 - 6 monthly statistics of enforcement activity

| 6 Monthly Review of Committee Enforcement Authorisations - January to June 2009 | | | | | | |
|---|---|---|--|---------------------------------|-----------------------------|---|
| Committee date | Location | Alleged Breach | Committee authorisation | Action taken | Date closed/ Review date | Current status |
| 3 February 2009 | Borough-wide | Banner advertisements | To prosecute if necessary | Written warnings to offenders | 31 August 2009 | Ongoing |
| 3 March 2009 | Other Road | Non-compliance with Enforcement Notice | Prosecute | Warning letter sent | 22 April 2009 | Closed - Planning permission obtained |
| | Polesworth Close, Matchborough | Non-compliance with Enforcement Notice | Prosecute | Warning letter sent | 14 May 2009 | Closed - Activity ceased |
| 31 March 2009 | Barford Close, Matchborough | Condition of land | Prosecute | Proceedings initiated | Ongoing | Prosecution papers in preparation |
| | Fenwick Close, Headless Cross | Condition of land | Prosecute | Warning letter sent | 28 August 2009 | Clearance works underway |
| | Munsley Close, Matchborough | Condition of land | Prosecute | Warning letter sent | 31 July 2009 | Clearance works underway |
| 21 April 2009 | Hither Green Lane, Abbey Park | Development not in accordance with plan | a) Take no action b) Issue Enforcement Notice | Full site survey undertaken | 27 July 2009 | Closed - No breach of planning control |
| 19 May 2009 | Astwood Lane | Non-compliance with conditions | Issue Enforcement Notice | Contravention Notice issued | 04 August 2009 | Pending compliance |
| | Land to rear of Fernwood & Ettingley Close, Wire Hill | Incorporation of land into garden area | 1) Planning Contravention Notice 2) Enforcement Notice | Discussions with planning agent | 31 August 2009 | Pending planning application |

6 monthly statistics of Enforcement activity
Enforcement Statistics - January to June 2009

Period: 01/01/2009 **To:** 30/06/2009

Enforcement Complaints registered

→→→

164

Cases closed

→→→

150

Closed - ceased

→→→

46

Closed - Planning Permission
obtained

→→→

7

Closed - no evidence

→→→

20

Closed - permitted development

→→→

33

Closed - No Planning issues

→→→

28

Closed - Not expedient/other
reasons

→→→

16

Notices complied with

→→→

12

Enforcement notices

→→→

1

Stop notices

→→→

0

Temporary stop notices

→→→

0

S.215 untidy land notices

→→→

2

Breach of condition notices

→→→

1

Planning contravention and S.330
notices

→→→

5

High Hedge remedial notices

→→→

0

| | | |
|---------------------------------|-----|-----------|
| Tree replacement notices | →→→ | 1 |
| <hr/> | | |
| Number of Notices issued | →→→ | 10 |
| <hr/> | | |
| Prosecutions initiated | →→→ | 0 |
| Convictions obtained | →→→ | 0 |
| Injunctions granted | →→→ | 0 |
| Injunctions refused | →→→ | 0 |
| <hr/> | | |
| Enforcement appeals received | →→→ | 1 |
| Enforcement appeals dismissed | →→→ | 1 |
| Enforcement appeals allowed | →→→ | 0 |
| <hr/> | | |

Iain Mackay
Enforcement Officer

Date: 30/06/2009