



Economic Development, Transport and Tourism Scrutiny Commission

Date of Commission meeting: 22nd August 2019

Leicester City Council Planning Enforcement Function

Report of the Director of Planning, Development and
Transportation

Useful information

- Ward(s) affected: all
- Report author: Sarbjit Singh
- Author contact details: 0116 454 3005
- Report version number: 1

1. Purpose of the Report

- 1.1 This report is prepared to provide an overview of the effectiveness and performance of the Leicester City Council's planning enforcement function in comparison with other authorities as appropriate in response to the request from EDDT Scrutiny Commission of the Council as a follow up of questions about the planning enforcement function in the full Council meeting last year.

Recommendation:

That the findings of the report to be scrutinised and noted.

2 Introduction

- 2.1 Effective enforcement is necessary to protect the integrity of the planning system. The planning enforcement function aims to ensure development proceeds in accordance with approved plans and complies with planning conditions and/ or Section 106 Agreements. It is expected that land owners and developers should observe the spirit of planning legislation and refrain from development until the necessary planning permissions have been obtained. However, the planning system is designed to achieve a balance between the rights of landowners to enjoy their property with protecting the amenity of neighbours and the general public. Therefore, enforcement of planning control focuses on proportionate resolution of issues rather than punishing those who have acted in breach of planning legislation, sometimes unknowingly.
- 2.2 In Leicester the planning enforcement function in Planning Service is undertaken by a dedicated team of 8 comprising of a team leader, a senior planner, a planner, a graduate planner, three enforcement officers and a compliance and monitoring officer. The Compliance & Monitoring Team are principally involved in investigating suspected breaches of planning control and use powers under planning acts to deal with breaches that cause significant harm. The team also deals with planning applications, mostly those which are submitted retrospectively and prior approvals for larger rear house extensions. In addition, developer contributions secured by S106 of the Planning Act are collected, monitored, and the spending process is managed by the team.
- 2.3 The planning enforcement function is also supported by actions of the conservation team who provide a more targeted and proactive approach with property owners in conservations areas and for listed buildings.

3.0 Enforcement Powers and Government Guidance

3.1 The Town and Country Planning Act 1990 sets out the statutory powers available to the Council to enforce planning legislation. The following comprise a breach of planning control under planning legislation:

- a) carrying out development that is operational development (the carrying out of building or other operations) and changes of use without the required planning permission;
- b) failing to comply with any condition or limitation subject to which planning permission has been granted;
- c) illegal advertisements;
- d) unauthorised works to listed buildings or works to protected trees;
- e) unauthorised works in conservation areas.

With exception of (c) and (d) above planning breaches are **not** offences but leave the person who has done it liable to further action if the local planning authority can show harm

3.2 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 58 states that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is however discretionary and local planning authorities are expected to act proportionately in responding to suspected breaches of planning control.

3.3 The National Planning Practice Guidance states that effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- and to help to ensure that public acceptance of the decision-making process is maintained [[Guidance Enforcement and post-permission matters](#) paragraph: 005 Reference ID: 17b-005-20140306].

3.4 Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Careful assessment of where the balance of public interest lies is required and this will vary from case to case.

3.5 Government Policy advises that in deciding, in each case what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;

- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

[\[Guidance Enforcement and post-permission matters](#) paragraph: 011 Reference ID:17b-011-20140306].

4.0 Enforcement Process

4.1 Planning enforcement can be complex and cases often remain live over a protracted period of time; options for immediate action are available but they are usually reserved for the most serious breaches.

A typical investigation will involve the following steps:

- a) Allegations or reports of suspected contraventions are received in the office and acknowledged within 3 working days, allocated to a case officer and an initial view on prioritisation taken (see para 4.4);
- b) Site inspection undertaken within 24 hours for most urgent breaches (Trees and listed buildings related cases) and within 5 working days for other and if necessary, the priority is revised. Information about the ownership and details of alleged breach are sought including if necessary through the service of statutory notices such as a Planning Contravention Notice (PCN), Section 330 Town and Country Planning Act 1990 (S330) or Section 16 of Local Government (Miscellaneous Provisions) Act 1976 (S16);
- c) The contravener is informed that they should stop if there is a breach or submit a planning application in cases where officers consider there is a reasonable prospect that planning permission may be retrospectively granted;
- d) If the breach is not resolved voluntarily within a specified time period, it is considered whether a statutory notice should be served.
- e) If the notice is appealed to the Government's Planning Inspectorate, the breach can continue until the appeal decision is received unless a Stop Notice (which requires an immediate cessation of the breach) has been served; Stop Notices involve potential liabilities of compensation payable by the Council should the action fail so care needs to be taken in establishing whether this form of action is appropriate.
- f) If no appeal is submitted or/and appeal fails and the notice is not complied with, prosecution action can be taken; the option of obtaining an Injunction to secure compliance with the enforcement notice is also available.
- g) Further non-compliance with an enforcement notice or an injunction could lead to further prosecution action that could result in a heavier penalty in the case of the former and a heavier penalty/prison sentence for the latter, with recovery of costs.

- 4.2 It is important to note that a minority of cases are progressed to prosecution. The timescales can be more than a year from step (a) to step (g) due to the time taken following different legal procedures to obtain information from the contraveners and right of appeals against notices and prosecution action. The Council needs to follow correct procedures including [Planning Enforcement Policy and Procedure of Leicester City Council](#) to ensure a strong position in case of appeals and prosecution. Failure to do so could result in loss of cases and award of compensation for any unreasonable behaviour in pursuing the action.

Planning enforcement cases reports in Leicester & Prioritisation

- 4.3 In Leicester on average 794 alleged planning breaches have been reported over each of the last 5 years.
- 4.4 When cases are received, they are prioritised according to the severity of the harm that is being caused or likely to be caused if the breach is not resolved. Breaches that are likely to result in permanent, irreversible harm to the environment such as the removal of protected trees, listed buildings and buildings in conservation areas are given an urgent priority whilst breaches that related to developments which are likely to be granted planning permission subject to conditions may be given a medium/low priority.
- 4.5 The City Council have a duty to investigate every report of alleged planning breach and to take a firm formal action against the planning breaches which has significant harm to amenity. It is our practice to inform the complainants about the outcome of the investigation as soon as a resolution has reached. In addition information about enforcement cases is also circulated via the Weekly List circulated to all members.
- 4.6 Formal action is taken as a last resort and in cases where there is significant harm to amenity. In the light of the government guidance, the council is expected to resolve the breach through negotiations first, a formal action is taken as last resort in cases where the harm to amenity can be fully evidenced and judged as significant enough to be able to be successful at appeal or in court proceedings. There is a right of appeal against the service of statutory enforcement notices which could take many months and could have significant impacts on resources available.
- 4.7 The individuals responsible for the planning breach are advised to submit a retrospective planning application where the officers are of the opinion that planning permission might be granted for the development in question. In the absence of a retrospective planning application a decision is made if a formal enforcement action should be taken or not. This is dependent on the anticipated or observed harm on the amenity of those living in the locality or other harm to material planning interests e.g. protected trees, nature conservation or heritage

5.0 Outcomes of alleged Planning breaches

- 5.1 Outcomes of alleged planning breaches could fall within either of the following:
- a) No breach – development being carried out in accordance with planning

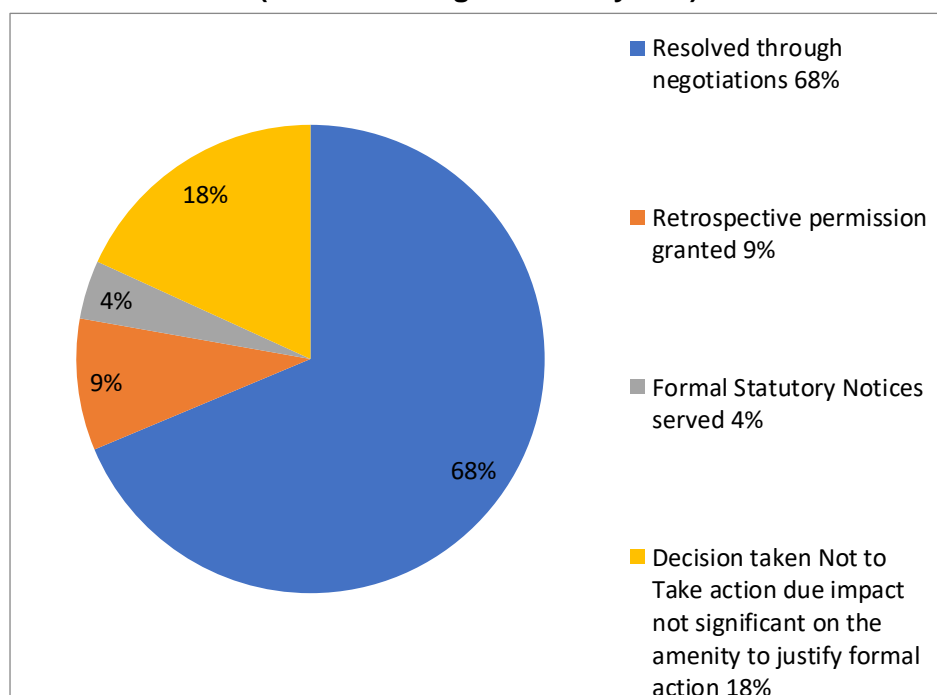
permission or which falls within permitted development limits or is effectively immune from enforcement action due to specific time limits which are:

- In place for 4 years for unauthorised operational development or change of use of a building to use as a single dwelling house;
- In use for 10 years for a material change of use of land and buildings or a breach of a condition imposed on a planning permission.
- Similarly the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 permit various advertisements which need not local authority's permission to display and such advertisements are not planning breaches.

Although all the suspected planning breaches have been investigated, on average in last five years 50% cases were found not to constitute planning breaches.

- b) A planning breach is identified but resolved through negotiations which is either the development is altered to fall within permitted limits or the breach is rectified. (e.g. removal of unauthorised building or the advertisement). An average of 68% of identified breaches in last five years are resolved through negotiations.
- c) A planning breach is resolved where a retrospective planning application is granted permission. An average in last five years of 9% of identified breaches were resolved because retrospective permission was granted.
- d) A planning breach {not covered by (b) or (c)} where the harm (in planning terms) was not sufficient to justify a formal action. In these cases a decision is made not to take action. There has been on average 18% cases in last two years (data of previous years not available) of the identified breaches when it was decided to take no action.

How identified planning breaches were resolved (Annual average of last 5 years)

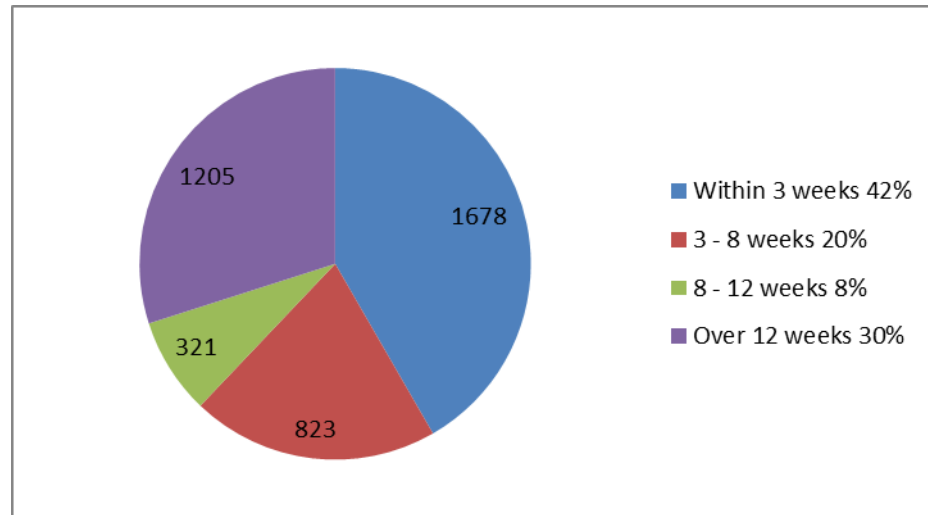


- e) A planning breach with significant impact on amenity – formal action is taken, and appropriate notices are served. These notices could be Enforcement Notice, Breach of Condition Notice, Breach of Condition Enforcement Notice, Discontinuance notice against an advertisement, Section 215 of the Act in cases of untidy sites, Temporary Stop Notice, Permanent Stop Notice, Listed Building Enforcement Notice, Urgent Works Notice (to Listed Buildings). A glossary explaining these notices is attached as appendix 1 to this report. Failure to compliance with these notices is an offence and result in prosecution action. An average of 4% of identified breaches fall in this category in last five years.
- f) Offences including non-compliance with enforcement notices, carrying out works to a listed building, a protected tree and displaying advertisement without consent where the harm justifies prosecution action. In last five years 10 cases have gone through the prosecution process and some of these gone through higher court appeals. All these cases proceeded with to a final hearing in the courts were successful. Examples of formal enforcement action and some dealt with through informal negotiations are provided as appendices 2 - 9 attached to this report
- g) 'To Let' Boards were affecting visual amenity of some areas ([Windermere](#), [Hazel](#), [Clarendon Park](#), [Greenhill](#), [West End](#), [Ashleigh Road](#), [West End conservation area](#)) of Leicester. The Compliance and Monitoring Team since 2013 worked through Government procedures involving surveys, voluntary code to control to let boards and application to the government. The scheme was finally implemented in July 2018, through Regulation 7 Direction under the Town and Country Planning (Control of Advertisement) Regulations 2007 to legally restrict the display of residential 'To-Let' boards. The restriction has resulted in significant improvement to the visual appearance of the streets in these areas. Photos in appendix 3 illustrate a change in one of the streets. Significant resources of the team have been in use to enforce the direction. From 1 January 2019 to 24 July 2019, 91 breaches relating to 'To-Let' boards have been received and 80 of these have been resolved.
- h) The staff in Conservation Team also support the enforcement work by monitoring and proactively taking informal action against breaches related to Listed Building and Conservation Areas. These relate to issues such as unauthorised signage, advertisements and satellite dishes. In the last 8 months out of 30 cases, 22 have been resolved successfully. Where a formal action is needed the cases are dealt with by the Compliance and Monitoring Team.

How soon the reported alleged contraventions were resolved (Annual average of last 5 years)

- 5.2 In last five years 42% resolution of the cases took 3 weeks, 20% cases took 8 weeks and 8% of those took 12 weeks. 30% of the total cases resolved took more than 12 weeks. The following chart illustrates the resolution period of total 4027 cases dealt with in 5 years. These figures are considered to demonstrate an effective and responsive service which has substantially improved in the 7 years since monitoring procedures were put in place.

Pie chart showing the performance in last 5 years



5.3 The Compliance and Monitoring Team only pursue a formal action as a last resort, seeking instead to resolve matters through negotiation. In last five year 68% cases of the identified breaches were resolved in this manner. This together with resolution of 42% cases of total received cases within 3 weeks is considered to represent an effective and proportionate planning enforcement service. An average of 18 complaints, each year for the last five years has been received against the planning enforcement function. Only 6 complaints about planning enforcement function in last five years have escalated to Ombudsman, who has ruled in the favour the council in that there was no maladministration in all of these cases.

6 Comparison of enforcement performance with other authorities

6.1 Local authority planning enforcement powers are discretionary, however local planning authorities should investigate the alleged breaches reported to them in a reasonable period and failure to do so could lead complaints to Ombudsman. The Ombudsman could decide the concerned parties to be paid compensation if maladministration is found.

6.2 It is difficult to compare different authorities with each other because of their size, nature of the area, enforcement policies likelihood of residents to raise concerns. Service of large number of enforcement notices should not necessarily be seen as an indicator of success, Service of the formal notices can be a disproportionate and excessive use of the resources both of the local authority and the individual responsible for the unauthorised development.

6.3 Recent coverage in the journal 'Planning Resource' sets out Government data returns for 2018/19 has outlined the planning enforcement activity as follows. The London Borough of Newham issued the most enforcement notices whilst 36 English Authorities issued none (naming the City of London, Oxford City Council and Derby City Council among these 36 authorities). London boroughs issued 1,376 notices out of a total of 3,867 across England and accounted for nine of the top 10 and four of the top five authorities that issued the most enforcement notices. The table below list top ten authorities who have served the most enforcement notices

Top 10 Councils serving the most enforcement notices in England in 2018/19

Rank	Planning authority	Enforcement notices issued
1	Newham	154
2	Brent	141
3	Barnet	128
4	Westminster	122
5	Bradford	104
6	Haringey	98
7	Ealing	82
8	Waltham Forest	69
9	Barking and Dagenham	57
10	Hounslow	49

Table: John Geoghegan • Source: [MHCLG](#) • [Get the data](#) • [Created with Datawrapper](#)

- 6.4 In terms of statutory notices such as PCN, S16 and S330 which are served by the local authorities to obtain details about the ownership and planning breaches during the investigation process, Government collects quarterly statistics which include number of Planning Contravention Notices (PCNs) and these are seen as an indicator of high levels of activity and efforts in investigating planning breaches. In 2018-19, authorities in England served a total of 3,896 planning contravention notices. The highest number were served by Maidstone (258). Leicester City was the 6th most active authority in this respect through serving 117 notices.

Top 10 Councils serving the most PCN's in England in 2018/19

Rank	Planning authority	Planning contravention notices served
1	Maidstone	258
2	Cornwall	219
3	Westminster	209
4	Brighton and Hove	140
5	Swale	138
6	Leicester	117
7	Leeds	101
8	South Oxfordshire	88
9	Vale of White Horse	86
10=	Waltham Forest	77
10=	Bracknell Forest	77

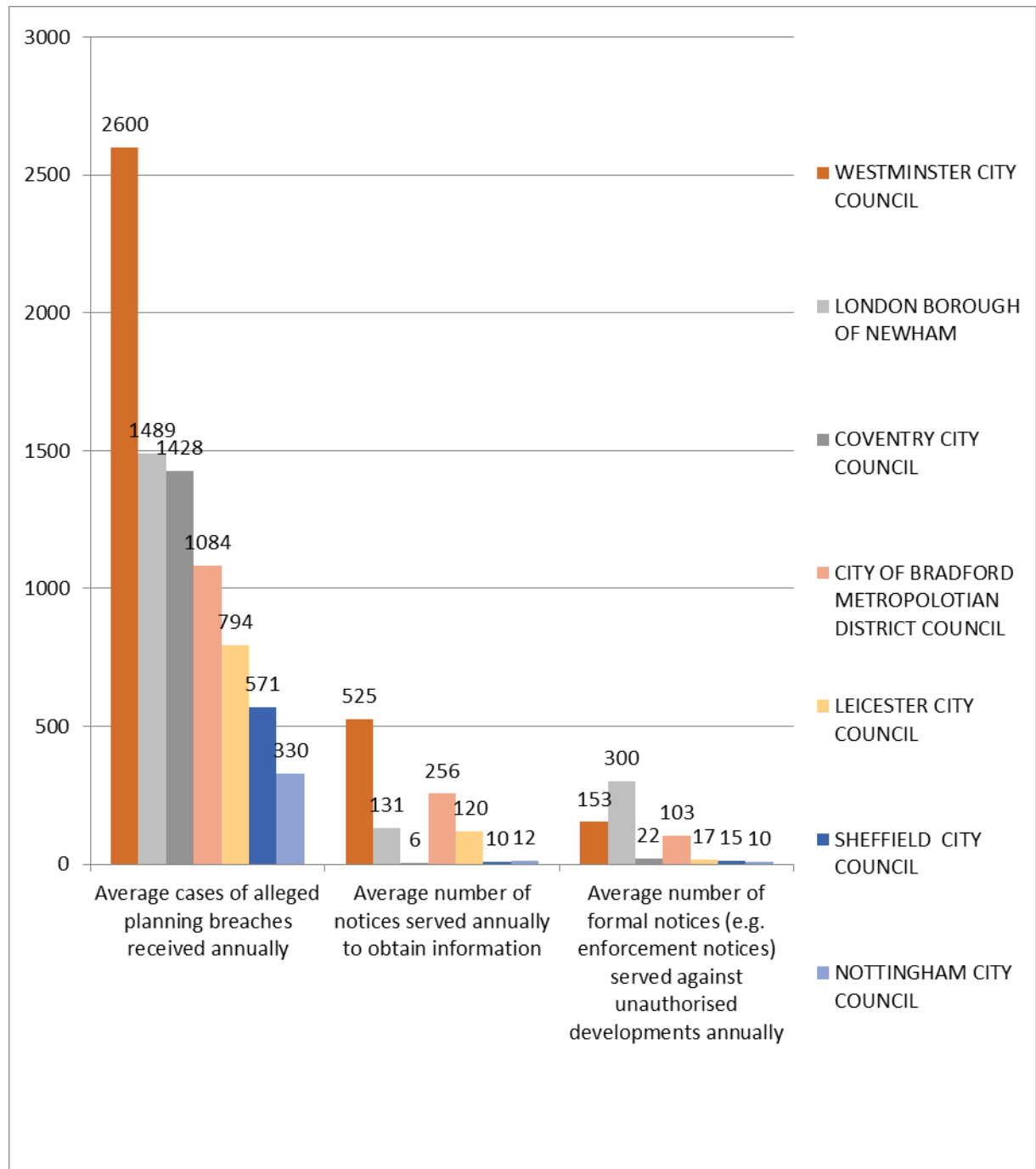
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- 6.5 The high number of PCNs served by the Compliance and Monitoring Team is an indicator of substantive investigations of reported alleged breaches which are resolved through negotiations because PCN service also allows for meeting with the contraveners to explore solutions to resolve planning breaches. There are authorities identified nationally who have not served any PCNs in the last 12 months.
- 6.6 As quoted in the report referred in para 6.3 from Neill Whittaker, chair of the National Association of Planning Enforcement (NAPE) "Due to London's high population density, need for housing and high land or rental prices there is more temptation for landlords to exploit the system. A total of 41 planning authorities issued no enforcement notices last year. Aside from City of London, Waltham Forest and the London Legacy Development Corporation, the remaining 38 were all outside the capital".
- 6.7 The table below and the graphs show the planning enforcement activities of other Councils similar in size to Leicester City or larger. It shows that there is no direct relationship of number of cases of alleged contraventions received to the number of enforcement notices served. For example Westminster City Council received the most cases but London Borough of Newham served the most notices. Similarly the service of notices requiring details of breaches (PCN, S330, S16 notices) and parties responsible for these are indicator of investigations and do not have direct relationship to the enforcement notices served. As evident in the case Leicester City Council a high proportion of identified breaches could be resolved through negotiations.

Table comparison of average each year's enforcement activities in last five years of different planning authorities

Council Name	Average cases of alleged planning breaches received annually in last 5 year	Average number of notices served annually in last 5 years to obtain information (PCN, S16 & S330	Average number of formal notices (e.g. enforcement notices) served annually in last 5 years
WESTMINSTER CITY COUNCIL	2600	525	153
LONDON BOROUGH OF NEWHAM	1489	131	300
COVENTRY CITY COUNCIL	1428	6	22
CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL	1084	256	103
LEICESTER CITY COUNCIL	794	120	17
SHEFFIELD CITY COUNCIL	571	10	15
NOTTINGHAM CITY COUNCIL	330	12	10

Graph comparison of average each year's enforcement activities in last five years of different planning authorities



Source: Information collected by Leicester City Council from respective Councils

8 Conclusion

- 8.1 Planning enforcement powers are discretionary and enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. It is difficult to compare the enforcement function of different authorities. The effectiveness of any authority cannot be measured just from the number of enforcement notices served, but it is an indicator of enforcement activity. Planning authorities have different approaches to deal with enforcement and in some areas it may be prudent to serve enforcement notices with minimal informal negotiations where the planning breaches could be blatant.
- 8.2 In Leicester, an average of 50% of the reported alleged contraventions in last 5 years were not planning breaches, but still the Council is duty bound to investigate all reports. A significant proportion of the identified planning breaches (68%) have been dealt with through informal negotiations, 9% through grant of retrospective planning permissions and 4% through formal enforcement notices. An average of 18% were those cases in last two years where the harm to amenity was not significant to justify a formal action, therefore it was decided to take no action. Service of PCNs for seeking details of breach and responsible parties for the alleged breaches is an indicative of effective investigations. Leicester City was the 6th most active authority in this respect through serving 117 notices in 2018-19.
- 8.3 From customer service prospective communication and speed of dealing with the enforcement reports are very important. In last five years an average of significant number of reported cases (42%) have been resolved within 3 weeks. A low level of complaints against the planning enforcement function {an average of 2.2% of total cases investigated each year over last five years} and those which escalated to Ombudsman (an average of 1 case each year over last five years) with no maladministration findings represents a good responsive service.
- 8.4 The Compliance and Monitoring Team has been following a robust approach against those breaches which could have significant detrimental impact on the amenity and the appendices attaches to this report illustrate the difference that has been made. The procedures in place are followed to ensure successful outcome in case of planning appeals and prosecution action. As a result, all the prosecution cases proceeded with to a final hearing in the courts in last five years were successful.

9. Financial, legal and other implications

9.1 Financial implications

There are no direct financial implications arising from this report , the enforcement is carried out within the existing budget.

Paresh Radia – Finance.

9.2 Legal implications

There are no legal implications directly arising from this report as it simply provides an overview of the effectiveness and performance of the Council's planning enforcement function in comparison with other authorities. Failure to comply with local or national planning policy and procedures without reasonable justification can reduce the prospects of successful planning enforcement action, or leave the council open to formal complaint or legal challenge.

Jane Cotton , Solicitor (Commercial, Property and Planning Team) (ext. 37 140325)

9.3 Climate Change and Carbon Reduction implications

Effective implementation of the city council's planning enforcement can contribute to the reduction of carbon emissions from new developments in the city. This is achieved through enforcement actions where developments have failed to meet planning conditions around energy efficiency and carbon reduction performance, and aspects such as renewable energy installations.

Aidan Davis, Sustainability Officer, Ext 37 2284

9.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equality implications arising from the report. However, it is important to note that the PSED has the potential to apply at different stages in the planning process especially where decisions affecting individuals with protected characteristics are not addressed at the outline stage - even more so where planning permission is granted in principle.

Surinder Singh Equalities Officer (ext. 37 4148)

9.5 Other Implications

None applicable

Appendix 1

Glossary of Notices

Enforcement Notice – It requires certain remedial measures to be taken to remedy planning breach/es within a specified period by those have an interest in the land (i.e. owner, tenant, lenders, leaseholder) in to which the notice relates. Recipients may appeal to the Planning Inspectorate, effectively suspending the enforcement notice until it is determined. Enforcement notices are entered on the Land Charges Register and so run with the land, remaining effective even once complied with. Non-compliance constitutes a criminal offence for which recipients may be prosecuted.

Listed Building Enforcement Notice – this is the equivalent notice available under the listed building legislation, action is not subject to a limitation period.

Breach of Condition Notice – available in the event of non-compliance with a condition. There is no right of appeal. The penalty for non-compliance is less than in respect of other notices. It is not entered on the Land Charges Register.

Stop Notice – requires cessation within three days of specified activities causing serious harm to local amenity such that the City Council considers such activities should not be allowed to continue while the period for compliance expires or an appeal is pending. If a statement of special reasons is attached, the notice may come into effect within less than 3 days. Further, the duty to comply is universal and not limited to recipients. It can only be served with or after (but before the effective date) an enforcement notice. It cannot prohibit the use of a building as a dwelling nor the carrying out of any activity that is not operational development if it has been carried out for more than 4 years before service. The City Council would be liable to compensate owners or occupiers for losses directly attributable to the Stop Notice if the contravention alleged was not a planning breach.

Temporary Stop Notice – this is effective immediately and does not require the prior service of an enforcement notice. It can only be effective for a maximum of 28 days (and cannot be renewed).

Court Injunction – can be used to restrain potential breaches as well as actual breaches. Non-compliance, as contempt of court, may result in imprisonment.

Untidy Land (s.215) Notice – includes buildings as well as land. The City Council need to show that amenity is adversely affected by the state of the land or premises. Appeals are to the Magistrate's Court and not to the Secretary of State. Non-compliance constitutes a criminal offence for which recipients may be prosecuted.

Advertisements -

Discontinuance Notice – where an advertisement(s) benefits from “deemed consent” the City Council can serve a notice discontinuing that consent to remedy a ‘substantial injury’ to amenity or where danger is caused to members of the public. The ‘effective date’, for the notice being 8 weeks after the date of service, the statutory period during which the recipient may register an appeal to the Planning Inspectorate.

Prosecution – is an immediate deterrent option in the cases of unauthorised works to Listed Buildings, unauthorised works in a conservation area, unauthorised advertisements, trees subject to Tree Preservation Orders (TPO), non-compliance with a temporary stop notice, stop notice, enforcement notice, and breach of condition notice. Defendants may thus be deterred from continued non-compliance, as well as punished for proven breaches.

Direct Action (with costs recovery) – unlike prosecution, exercising default powers secures actual resolution. These may need in the event of non-compliance with enforcement and untidy land notices but not breach of condition notices; and additionally allow for costs to be recovered from offenders.

Appendix 2

27A Westcotes Drive and 23A Westcotes Drive

The former hosiery factory has been converted to a number of units. The unit 27A was used as a car repair garage and most of the street is in residential use. The occupier and the owner of the unit did not cooperate with the officers to cease the use that led a formal action in the form of serving enforcement notice, a public enquiry to deal with the appeal against the notice. It took approximately 21 months to deal with the process because of the appeal procedures and it could be longer if a prosecution was to be pursued. Another unit 23A (towards the right in the photo below) also commenced the use as a garage but the occupier cooperated with the Council officers and ceased the use. It took 3 months to deal with the matter through informal negotiations.

Before



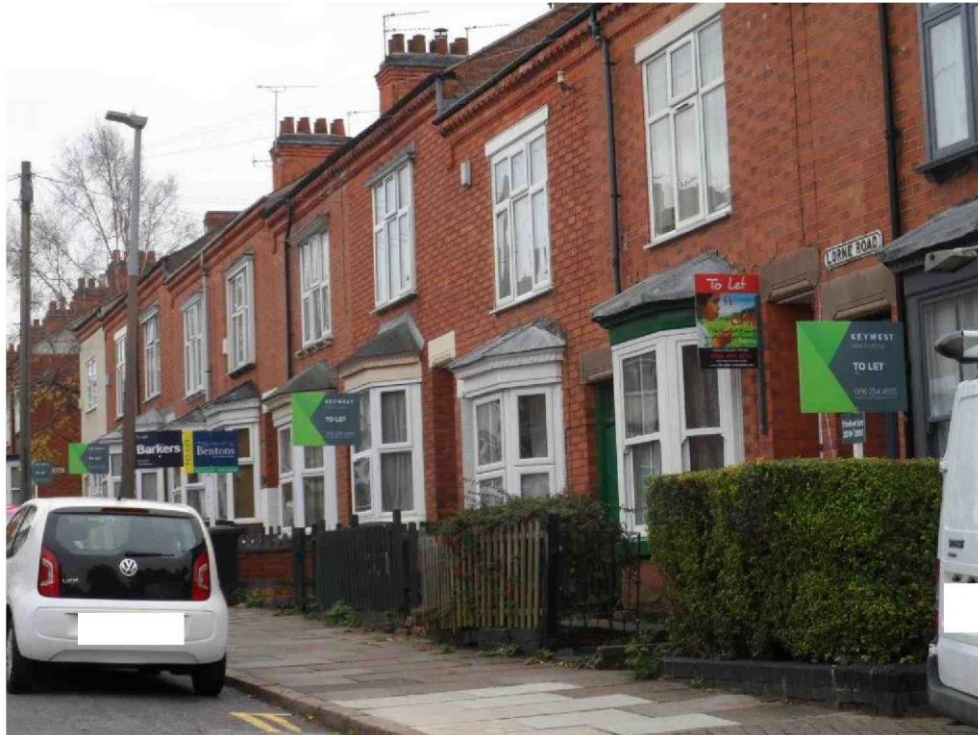
After



Appendix 3 Results of Direction 7 to restrict to let boards in part of Leicester

Lorne Road before and after the implementation of Regulation 7 Direction under the Town and Country Planning (Control of Advertisement) Regulations 2007 to legally restrict the display of residential 'To-Let' boards

Before



After



Appendix 4

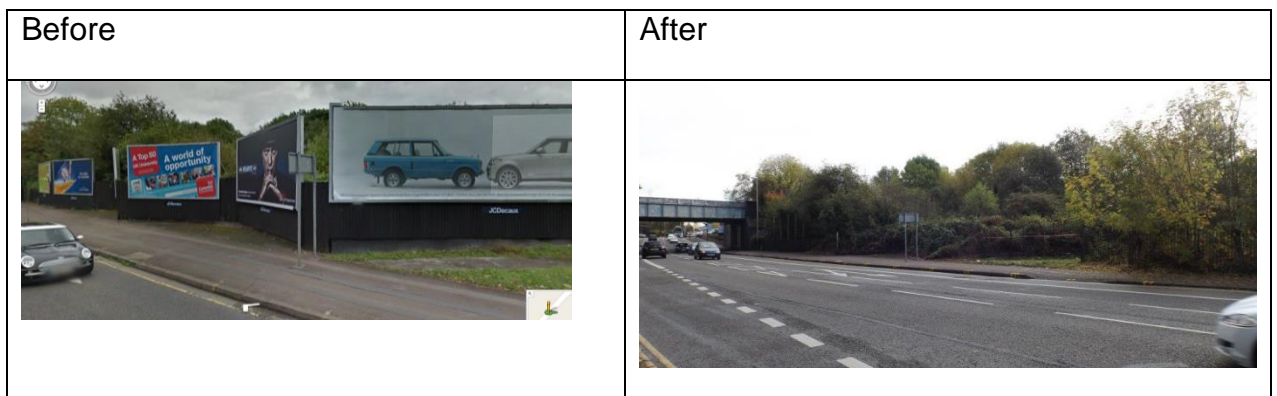
Action against Advertisements

Advertisement hoarding on Aylestone Road (Adj. Railway Bridge) which was subject to formal discontinuation action and therefore took a long time to get removed.



St Marys Mills Allotments Aylestone Road (the site opposite the above)

6 advertisement hoardings removed through informal negotiations which took comparatively short period of time to resolve the matter.



Appendix 5

Digital Advertisement Screens behind the shop window at 126 Evington Road/ 343-345 East Park Road. The advertisement had deemed consent rights but it was dangerous to road users being on a busy junction. Formal action was required to discontinue the rights to display advertisement. A discontinuance notice was served and the appeal was dismissed finally the advertisement was removed,

Before



After



Appendix 6

Use of Residential Garage at Marwood Road for repair of vehicles

An enforcement notice was served in 1990 against use of the property for motor vehicle repairs. An appeal was dismissed by the Planning Inspectorate. Complaints have been intermittent in this matter about the use and it was difficult to collect the evidence. Police provided the evidence and as a result an Injunctive Order was obtained on 19 September 2013. Breaches of the injunctive order were reported in 2014 and Police continued to monitor the site and found evidence of consistent breach of the Injunction on daily basis. In October 2015 finally, the injunction was complied with following suspended sentence being handed down to defendants

Photo showing the activity



Photo when the case was closed



Appendix 7

Unauthorised change of use from industrial to retail on Green Lane Road. The formal action took 4 years which involved dealing with retrospective planning applications, serving enforcement notices, dealing with appeals, prosecution proceedings in Magistrates court and then County Court. This was the first time Proceeds of Crime Act (POCA) was applied in Leicester in prosecution to non-compliance of enforcement notices. The Council was awarded RTPI East Midland Region Planning Award for this in 2014.

Before



After



Approach was

- Negotiation and voluntary cessation of uses
- Offer to assist in finding suitable alternative locations for businesses
- Processing of planning applications
- Service of Enforcement Notices
- Appeals
- Prosecutions
- Proceeds of Crime Act

Appendix 8

672 Aylestone Road (The Surgery @ Aylestone)

Planning permission was granted in 2012 subject to a condition requiring shop fronts to be installed to the Aylestone Road frontage. A breach of condition was served in 2014 which resulted in painting of boards, but further concerns about the appearance received in June 2017. A Breach of Condition Enforcement Notice was served in November 2017. The new shop fronts have been installed after prosecution action in October 2018.

Before



After



Appendix 9 Untidy site on Meadvale Road, Leicester

The case was brought to City Council's attention by police and the ward Councillor. The rear and front garden were full of materials and informal approach did not work and then a formal action under S215 untidy sites was taken. Cost of the default action over £12k has been recovered from the owner of the house.



After



Key Statistics

• Person hours	230
• Metal waste	1,980 kgs
• Car waste	7.5 tonnes
• General waste	2,780 kgs
• Wood waste	350 kgs
• Building material waste	7 tonnes
• Electrical waste	500 kgs

In total over 20 tonnes waste removed