

## EAST LINDSEY DISTRICT COUNCIL DECISION NOTICE

1. Decision to be taken: To engage the services of an external contractor in connection with a planning enforcement case for unauthorised works for a Grade II Listed Building, namely the erection of a gate, wall and an outbuilding. The site address is Friskney Methodist Church, Chapel Lane, Friskney, PE22 8RX. Enforcement case reference EC/53/531/15.
2. This is a Portfolio Holder supported officer decision.
3. The following is the decision making body or person:  
  
Jo Parker after consultation with Chief Executive.
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on: 9th November 2018

**Note: - the above date to be completed by Democratic Services upon publication**

6. Contact Officer and details: Jo Parker, Principal Enforcement Officer. Planning Enforcement. Tel 01507 613555.
7. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made : None – enforcement documents are confidential.
8. Where the documents are held and where they can be obtained from (except exempt items) when they become available: Not Applicable
9. The reason for the decision and other alternative options considered and rejected:

The Council have issued an Enforcement Notice requiring the unauthorised development to be removed. The Enforcement Notice was not appealed, and it took effect on 5<sup>th</sup> July 2016.

After the Enforcement Notice was issued, the owner submitted a planning application, reference S/53/1244/16, to retain the wall, gates and pole barn. The application was refused. The owner did not appeal against the decision to The Planning Inspectorate and the time to do so has expired. Since that time, the owner has failed to comply with the requirements of the Enforcement Notice and remove the unauthorised development. Furthermore, no additional applications have been received for the development and planning permission has still not been granted.

This matter has been ongoing for some time and the Council have already given more than sufficient time for the owner to comply with the requirements of the Notice. As they have failed comply, the Council now

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intends to carry out the requirements of the Notice, in accordance with Section 178 of the Town and Country Planning Act 1990. This is called 'direct action'.

Following completion of the direct action the cost of doing so will be placed as a charge on the land, or the owner will be pursued to pay off the debt.

Failing to comply with the requirements of the Notice is an offence prosecutable in the Magistrates Court. The Court cannot force compliance with the requirements of the notice, as the offence is simply failing to comply. As such, even if legal proceedings were taken, and if they were successful, this would still not resolve the problem at the site itself. As such, it is the view of the Principal Enforcement Officer, that legal proceedings would not be in the public interest to take.

10. Declaration of any conflicts of interest of the decision making body or the individual:

None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service:

**Financial Implications of this Decision:-**

Estimated cost:- The cost will approximately £4057.35 plus VAT.

Funded from:- Existing planning enforcement direct action budget.

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**N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 3 of this form:**

Date: 6/11/18

13. This decision has been signed off by:

Head of Paid Service/S151 Officer or person presiding  
**(insert name – signatures should be provided on page 3)**

Mr. R. Barlow. S151 Officer/Acting Chief Executive

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Leader/Officer **(insert name):**

Jo Parker. Principal Enforcement Officer

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Portfolio Holder **(insert name):**

Cllr. T. Ashton. Built Environment Portfolio Holder