

8. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2016 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (1 April 2016 – 30 June 2016). The majority of breaches of planning control are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning, Monitoring & Enforcement Manager and Area Planning Managers.

The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so, having regard to planning policies in the development plan and any other material considerations. Any action taken will need to be proportionate with the breach of planning control to which it relates. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. It must also be clear that resolving the breach would be in the public interest.

The NPPF states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website or in paper form.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices issued (1 April – 30 June) :

13/0051 Land at Holly House Farm Flagg Buxton	Residential caravan and associated platform, shed, greenhouse etc	Enforcement Notice issued 22 June 2016
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(b) Breaches Resolved (1 April – 30 June)

15/0107 Markovitz Ltd Commerical Road Tideswell	Installation of two roof-mounted extractor units	Retrospective planning permission granted
15/0126 Robin Hood Inn Church Lane Rainow Macclesfield	Construction of decking	Retrospective planning permission granted

15/0055 Leam Farm Leam Grindleford Hope Valley	Siting of a residential caravan	Caravan removed
16/0009 Land adjacent to Thorneycroft, Summer Cross, Tideswell	Dwelling erected not in accordance with planning permission (NP/DDD/0714/0754)	Application for amended scheme approved
14/0313 The Old Bake House / West Bank Cottage 1 Town End Longnor	Listed Building: erection of satellite dish	Satellite dish is on adjacent building so no breach
15/0094 New Barn Farm Aldwark Matlock	Siting of a residential caravan	Temporary planning permission granted
12/0070 The Peacock Inn Bridge Street Bakewell	Advertisement sign and erection of canopy	Advertisement and canopy removed
14/0018 Castle Inn Castle Street Bakewell	Listed Building: advertisement signs and minor alterations	Advertisement consent and listed building consent granted
15/0007 Bridge House Farm Ladmanlow Buxton	Erection of extension to dwelling	Planning permission granted
16/0052 Onecote Old Hall Onecote Road Onecote Leek	Listed Building: Erection of conservatory not in accordance with approved scheme	Not expedient to pursue enforcement action
16/0027 Derbyshire Pennine Club The Nook Stoney Middleton	Erection of fire escape	Planning permission granted
15/0136 Brookside House Brookside Bradwell	Breach of conditions on permission for parking area and access	Conditions complied with

16/0005 Old Hall Hotel Market Place Hope	Listed Building: internal and external alterations	Further breaches so case merged with 16/0054
15/0091 Sheffield Pet Crematorium Hollow Meadows Sheffield	Change of use from pet crematorium to the burning of foetal remains	No material change of use so no breach
14/0575 The Gables Eaton Hill Baslow	Erection of building (steel container) on agricultural land	Building removed
12/0147 Goosehill Barn Goosehill Hall Castleton	Listed Building: installation of rooflights	Rooflights removed
15/0101 Bent End Farm Heaton Rushton Spencer Macclesfield	Horse menage, two lean-to extensions and use of agricultural land as horse exercise track	Planning permission granted
16/0038 Junction of B6054 and A621 Owler Bar Sheffield	Advertisement sign	Sign removed
15/0106 The Valve Tower Langsett Stocksbridge Sheffield	Erection of satellite dish	Satellite dish removed
11/0041 Layby on A628 Near Flouch Hazlehead Sheffield	Siting of caravan	Caravan removed
16/0021 Haresfield House Keeling Lane Birchover	Use of Ancillary Dependent Relative Accommodation as Holiday Let	Planning permission granted
16/0016 Mouldridge Grange Farm Pikehall Matlock	Siting of caravan	Caravan removed

16/0001 Mouldridge Grange Farm Pikehall Matlock	Use of property for business purposes	Business ceased
16/0060 Turnpike House Macclesfield Road Kettleshulme	Erection of fence	Fence removed
15/0116 Northfield Cottage Quarnford	Extension to dwelling not in accordance with approved scheme	Application for amended scheme approved
15/0080 Flaxdale House Middleton-by-Youlgrave Bakewell	Change of use to cafe	Planning permission granted
16/0015 Lilac Cottage Parwich Ashbourne	Extension to dwelling not in accordance with approved scheme – rooflights added	Permitted development so no breach
15/0065 South Lodge, Thornbridge Hall, Ashford in the Water	Extension to dwelling not in accordance with approved scheme	Application for amended scheme approved
16/0030 Dains Mill Roach Road Upper Hulme	Construction of track	Remediation works carried out
15/0015 Bank Top Farm Dig Lane Hartington	Erection of two agricultural buildings	Planning permission granted
11/0192 Pitchings Farm Waterfall Waterhouses	Use of agricultural land and buildings for steel fabrication business and erection of extension to existing building	Lawful use certificate granted for part of site and planning permission granted for remainder
07/0065 4 Anson Row East Bank Winster	Listed Building: Internal alterations	Listed building consent granted
16/0011 Danebridge Fisheries Wincle	Use of holiday let as permanent dwelling	Immune from enforcement action

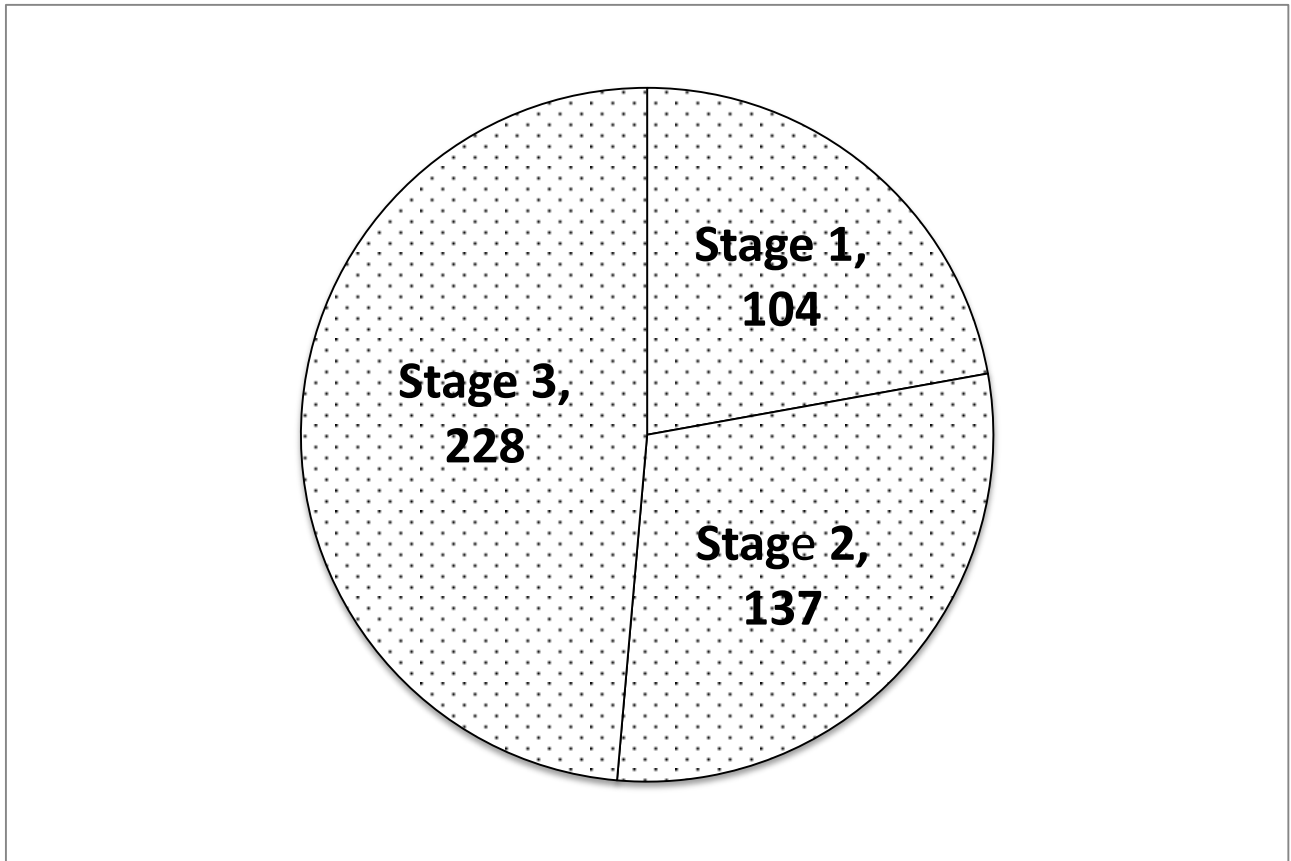
16/0032 1 Mawstone View Coldwell End Youlgrave	Erection of extension to dwelling	Planning permission granted
15/0130 2 Manor Court Barons Keep Manor Court Over Haddon	Listed Building: Installation of metal cage for storage of gas tanks	Cage, gas tanks and fixings removed
15/0102 Former Goldcrest Site, Main Road, Stanton in the Peak	Erection of gateposts	Planning permission granted
14/0603 Rosedene Woodhouse Lane Winster	Erection of summerhouse in curtilage of listed building	Planning permission granted

(c) Overview of caseload (1 April – 30 June)

The following table provides an overview of the team's caseload at the end of the quarter. Figures for the preceding quarter are shown in brackets:

	Received	Investigated/Resolved	Outstanding
Enquiries	152 (105)	138 (96)	117 (103)
Breaches	53 (39)	37 (32)	469 (453)

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage cases are progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we are making more use of Planning Contravention Notices and giving a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Stage 1 a delegated decision not to take enforcement action is normally made at the outset and we do not normally devote resources to seeking the submission of an application.



High Profile Cases

Case Reference	Breach	Current Position
14/0539 Leanlow Farm Hartington	Non-compliance with conditions and untidy land	A site meeting was held on 11 May 2016 and various improvement works were agreed to be carried out by 30 June 2016. A further site inspection is due to be carried out to check on compliance and a verbal update will be given at the Planning Committee meeting