

9. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2017 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (1 October 2016 – 31 December 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 National Planning Policy Framework 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:

16/0094 Heather Lea Jeffrey Lane Bradwell Hope Valley	Erection of building	Enforcement Notice issued 27 October 2016
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(b) Breaches Resolved:

16/0006 The Coach House Fernhill Hollow Meadows	Erection of shed	Retrospective planning permission granted
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16/0076 42 Middle Row Cressbrook	LISTED BUILDING – Opening in boundary wall, minor internal alterations and change of use of land to residential garden	LDC granted for change of use; retrospective LBC granted for physical works
14/0555 Land rear of Bowling Green Inn Smalldale Bradwell	Use of land for storage of building materials etc and erection of extension to building	Land cleared and extension removed
14/0582 Ye Derwent Hotel Main Road Bamford Hope Valley	Change of use from public house/hotel to self-catering/hostel	Retrospective planning permission granted
14/0002 The Sands Low Bradfield Sheffield	LISTED BUILDING – removal of internal features	Planning permission and LBC granted for conversion to dwelling
14/0557 Greenhills Back Lane Hathersage	Non-compliance with approved plans and conditions for extension to dwelling (NP/DDD/0713/0596 and NP/NMA/0314/0266)	NMA granted for some changes; other matters either rectified or not expedient to pursue
16/0140 Cobb Barn Smalldale Bradwell	Alterations to domestic outbuilding	Not expedient to pursue enforcement action
16/0025 Bath Gardens Rutland Square Buxton Road Bakewell	Display of temporary signs advertising craft fairs at Bakewell Town Hall	Number of signs reduced to acceptable level
14/0494 Town End Chelmorton	Erection of timber stables and change of use of former agricultural land to equestrian use.	Planning permission granted
16/0082 Tindalls Bakery/Delicatessen 7 Commercial Road Tideswell	Use of ground floor storage area for residential purposes	Retrospective planning permission granted
11/0215 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land and the erection of concrete block retaining walls	Enforcement notice complied with

11/0216 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land, laying of a concrete base and the erection of concrete block walls	Enforcement notice complied with
09/0071 Former Old Bulls Head Inn, Little Hucklow	Dilapidated building and associated untidy land	Section 215 notice complied with
16/0125 Pictor Hall Farm Bakewell Road Green Fairfield Buxton	LISTED BUILDING – internal and external works	No breach - works constitute repair and reinstatement to keep building weathertight
15/0043 The Homestead Foolow Eyam	Erection of shed	Merged with ENF.16/0133
15/0041 Cotton Star Camping Windy Bank Low Bradfield Sheffield	Use of land as a campsite	No evidence that use taking place in excess of permitted level (28 days pa)
13/0140 Townfield Barn Shatton Hall Shatton Bamford	Use of building and land to hold wedding events	Use ceased
16/0162 Crown Cottage Main Street Winster	LISTED BUILDING - Removal of internal wall	Not expedient to pursue enforcement action
14/0023 Merman Farm Alma Road Tideswell	Use of part of outbuilding as a laundry business	No breach as not a material change of use
06/0010 Midfield Macclesfield Road Kettleshulme	Engineering operations including excavations, earth-moving and laying of a hard surface	Restoration works carried out in accordance with legal agreement
16/0104 Brosterfield Farm Foolow	Siting of shepherd's hut and use for holiday accommodation	Retrospective planning permission granted

12/0013 Land off Digmire Lane Thorpe	Breach of condition 7 (visibility splay) on planning permission for affordable dwelling (NP/DDD/0909/0826)	Retrospective planning permission granted
16/0130 Hope Valley College Castleton Road Hope	Display of advertisement sign	Not expedient to pursue enforcement action
15/0069 Lower Damgate Farm Stanshope Ashbourne	Use of buildings and land for wedding and other events	Retrospective planning permission granted, subject to conditions
09/0078 4 Court Lane Ashford in the Water	Conversion of attached outbuilding to C3 dwellinghouse	Planning permission granted on appeal for holiday let, enforcement notice quashed
15/0124 Land Adjacent to Woodstone House Froggatt Edge Calver	Removal of trees in a Conservation Area	Landowner prosecuted; restoration to be carried out
12/0121 Dale House Farm Litton	Erection of seven buildings used for drying logs	Buildings removed
12/0120 Land off Hollinsmoor Road Rowarth	Erection of two stable buildings	Immune from enforcement action
16/0139 Burre House Baslow Road Bakewell	LISTED BUILDING – Erection of fence within curtilage of listed building	Retrospective planning permission granted
16/0137 1 Mawstone View Coldwell End Youlgrave	Erection of garage	Retrospective planning permission granted
16/0072 Wetton Village Hall Wetton	Use of village hall as cafe	Retrospective planning permission granted
16/0014 Rocester House Leek Road Waterhouses	Erection of outbuilding	Not expedient to pursue enforcement action

15/0098 Three Trees Bungalow Ashbourne Road Brierlow Bar	Erection of timber shed	Not expedient to pursue enforcement action
14/0561 Duke Of York Flagg	Use of land as caravan and campsite	Use ceased
12/0152 Peaslows Farm, Sparrowpit Chapel en le Frith	Non-compliance with landscaping condition attached to planning permission for slurry lagoon (NP/HPK/0214/0176)	Mitigation measures agreed and landscaping scheme approved

(c) Overview of caseload

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	88(97)	95(100)	110(116)
Breaches	35(42)	35(35)	478(478)

In order to help focus resources and increase the pace of progress on casework, officers have introduced a system which classifies breaches, as early as possible in the process, as Level 1, Level 2 or Level 3. Level 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Level 2 are those where a conditional planning permission would be likely to resolve the breach and Level 3 are those where formal enforcement action is likely to be required or has already been taken.

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 Level 3. To encourage the submission of applications for Level 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 Level 1 a delegated decision not to take enforcement action is normally made at an earlier stage and we do not normally devote resources to seeking the submission of an application.

The chart below shows the outstanding cases at each of the three levels. The chart also shows in brackets the number of Level 3 cases where formal action has already been taken. In response to queries raised by Members in previous meetings a second chart is included to show the length of time that cases have been outstanding. The next report to Committee, in April, will be an annual review with further information on cases where formal notices have been issued but not complied with. It is also intended that the annual review will provide more detail on the length of time that cases have been outstanding.

Chart 1 - Enforcement Cases: levels

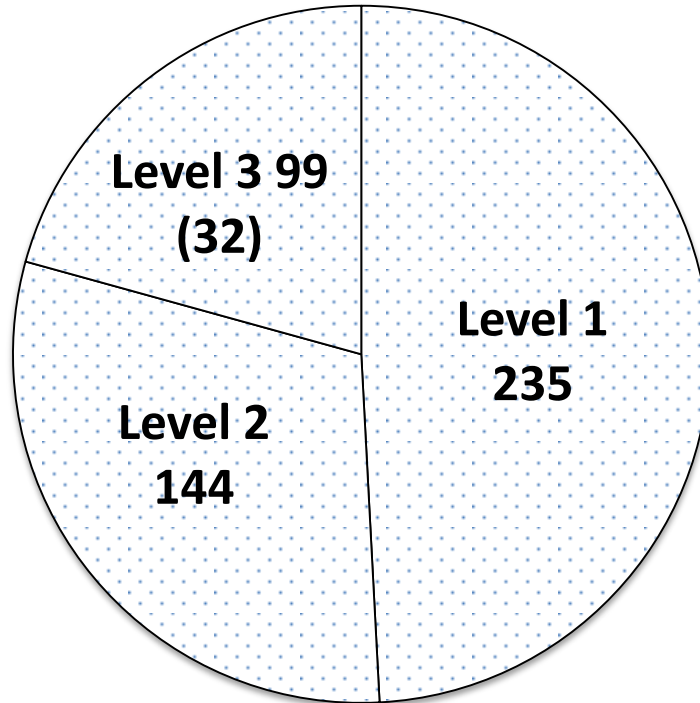


Chart 2 - Enforcement Cases: period outstanding

