

15. MONITORING & ENFORCEMENT ANNUAL REVIEW – MAY 2017 (A.1533/AJC)

Introduction

N.B. This report was intended to be considered at the last Planning Committee on 7 April. However, consideration of the report was deferred to this Committee due to the number of items on the agenda for the April meeting.

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last year (April 2016 – March 2017). The report also includes information on the breaches that have been resolved in the latest full quarter (January – March 2017). 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.

In Appendix 1 is a list of formal notices issued in the last five years which have not been complied with (or fully complied with). The relevant issue date, effect date and compliance date is given for each of these notices with a summary of the current position.

Monitoring

The Monitoring & Enforcement Team, in conjunction with planning officers in the two area teams, has recently commenced more formal and focussed monitoring of approved developments. Because of the high number of planning permissions granted for new developments (in excess of 700 per year) it is not possible to monitor all active sites. A decision has therefore been taken to focus on the erection of dwellings and conversion of barns to dwellings – mainly as these are likely to have the greatest visual impact if things go wrong. Once officers become aware that work has commenced we are carrying out more regular visits than was previously the case to check that the approved plans and conditions are being adhered to. A more robust system for recording the results of these visits has also been set up.

It is anticipated that by carrying out more formal and focussed monitoring, issues will be picked up and dealt with at an earlier stage when they should be easier to resolve. It is also hoped that, in the longer term, once builders and developers become aware that monitoring is taking place they will be more likely to ensure that developments are carried out as approved or to seek prior consent for any changes during the construction process.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2016-17

(a) Formal notices have been issued in the following cases this year:

13/0051 Land at Holly House Farm Flagg Buxton	Residential caravan and associated platform, shed, greenhouse etc	Enforcement Notice issued 22 June 2016 Appeal lodged. Public Inquiry due on 3 October 2017.
15/0021 Land at Backdale Quarry Hassop Avenue Hassop	Parking of HGVs and storage of a caravan	Enforcement Notice issued 7 July 2016 No appeal so took effect on 9 August 2016 Compliance date: 9 July 2017
15/0021 Land at Backdale Quarry Hassop Avenue Hassop	Use of land for storage of building, and other, materials	Enforcement Notice issued 7 July 2016 No appeal so took effect on 9 August 2016 Compliance date: 9 October 2017
13/0040 Land adj. Swallow Cottage Pilhough Road	Erection of building and carrying out of engineering operations	Enforcement Notice issued 13 July 2016 Appeal lodged but subsequently withdrawn as agreement reached on amended requirements following permission on appeal for engineering operations
13/0146 Land North of Brown Lane Flash Quarnford	Use of land for storage, handling and processing of wood	Enforcement Notice issued 16 September 2016 Appeal lodged. Public Inquiry date to be confirmed.
12/0113 Mixon Mines Barn Onecote	Erection of a portal framed building	Enforcement Notice issued 23 September 2016 No appeal so took effect on 4 November 2016 Compliance dates: 4 May 2017 & 4 June 2017
12/0113 Mixon Mines Barn Onecote	Cladding of farm building and erection of extension to create new building	Enforcement Notice issued 23 September 2016 No appeal so took effect on 4 November 2016 Compliance dates: 4 May 2017 & 4 July 2017

16/0094 Heather Lea Jeffrey Lane Bradwell Hope Valley	Erection of building	Enforcement Notice issued 27 October 2016 No appeal so took effect on 2 December 2016 Compliance dates: 2 June 2017 & 2 September 2017
16/0039 Land at Highlow Wood Abney Hathersage	Erection of treehouse and shed	Enforcement Notice issued 27 February 2017 Took effect on 21 April 2017
16/0039 Land at Highlow Wood Abney Hathersage	Engineering operations comprising the construction of two ponds	Enforcement Notice issued 27 February 2017 Took effect on 21 April 2017

In addition, officers in the Minerals and Waste Team have issued Enforcement Notices at Stoke Hall Quarry, Grindleford and Land at Park Lane, Rowsley and an Enforcement Notice and Stop Notice at Moss Rake East Quarry, Bradwell. These will be covered in more detail in the Minerals & Waste Annual Report which is due to be considered at the Planning Committee in June 2017.

(b) Workload & Performance Summary 2016-17

The following is a summary of the Monitoring & Enforcement Team's workload and performance over the last year. The main measure of performance in the Planning Service Plan for 2016-17 was to resolve 120 breaches in the year, which as the table shows has been significantly exceeded. The number of outstanding breaches has increased over the year from 444 to 492 which is due in part to the increase in new breaches (164 compared to 157 in 2015-16 and 141 in 2014-15).

The number of enquiries outstanding has increased only slightly over the past year – from 101 to 116. 77% of enquiries have been investigated/resolved within 30 working days. This is only slightly below the target of 80% in the Service Plan for 2016-17.

	Received	Investigated/Resolved	Outstanding
Enquiries	424 (430)	408 (381)	116 (101)
Breaches	164 (157)	132 (124)	494 (444)

(c) Summary of Appeal Decisions 2016-17

The following three enforcement appeal decisions have been received this year - two were dismissed and one allowed.

11/0200 Land south of Church Lane Old Dam Peak Forest (Public Inquiry)	Erection of building, use of land and building for storage purposes, creation of a hardstanding and parking of vehicles	12 April 2016 Appeal dismissed – Notice corrected and varied Appellant's costs application refused
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15/0083 Maynestone Farm Hayfield Road Chinley (Public Inquiry)	Erection of two-storey extension to dwelling	20 September 2016 Appeal dismissed – Notice upheld Authority's costs application refused
09/0078 4 Court Lane Ashford in the Water (Written Representations)	Use of outbuilding as a separate unit of residential accommodation	12 December 2016 Appeal allowed on ground (a) - planning permission granted for short-let holiday use

Breaches Resolved in the quarter (Jan – March 2017):

13/0004 Butcher's Piece Farm, Monks Road, Glossop	Creation of track	Not expedient to pursue enforcement action
11/0167 Stretfield Mill Bradwell	Breach of Conditions 2 (i) (iii) & (vii) and Condition 4 of NP/HPK/0802/128 relating to design and materials, and foul and surface water details.	Conditions partially discharged
13/0151 Methodist Chapel Buxton Road Castleton	Creation of car park	Not expedient to pursue enforcement action
16/0112 The Croft The Green Curbar	Works not in accordance with planning approval NP/DDD/0515/0457	Planning permission granted
15/0060 Mill Field Dunlow Lane Eyam	Breach of pre-commencement conditions 5 & 16 -NP/DDD/0115/0068	Discharge application approved
16/0135 Lower Marnshaw Head Marnshaw Head Longnor	Construction of a Manege, siting of a touring caravan and erection of two stables	Planning permission granted
16/0002 Derbyshire Building Society Matlock Street Bakewell	(1) Breach of Condition 3 of listed building consent NP/DDD/0515/0395 and Condition 4 of planning permission NP/DDD/0515/0394; (2) display of advertisements	Discharge application approved and advertisement removed

13/0090 Belle Engineering Sheen Buxton	Breach of condition 15 (noise levels exceeding 55dBA) on NP/SM/0593/057	Additional noise mitigation measures successfully implemented
10/0029 2 Sunny Bank Smalldale Bradwell	Erection of fence and two sheds	Fence and sheds removed
14/0419 Hollytree Croft Bar Road Curbar	Erection of building	Building demolished
07/0033 Adjacent to Crossgates Farm Wheston	Change of use of agricultural building/land to horse livery	Use ceased
14/0010 Land off Shepley Street Old Glossop	Erection of steel containers on agricultural land	Containers removed
16/0155 Stoneycliff Farm Upper Hulme Leek	Breach of Condition 5, 7, 22 and 25 attached to planning permission NP/SM/1113/0149	Discharge application approved
14/0371 Martinslow Farm Bromley Edge Lane Winkhill Leek	LISTED BUILDING – window alterations	Superseded by case 15/0105
17/0016 Glebe Farm Wormhill Buxton	Erection of flue	Flue removed
11/0091 Knights Table PH Leek Road Flash Bar Quarnford Buxton	Creation of a pond	Immune from enforcement action
04/0036 Holly Tree Barn Holly House Farm Flagg Buxton	Non-compliance with conditions attached to planning permission for conversion of barn to dwelling (NP/DDD/0701/1330)	Immune from enforcement action

16/0122 Chapel Farm Heathcote Hartington Buxton	Use of land as touring caravan site and associated fixings	Planning permission granted
16/0158 Mires House The Miers Birchover	Breach of conditions on NP/DDD/0815/0785	NMA approved
16/0107 1 Orchard View The Dale Hathersage	Erection of fence	Height of fence reduced to fall within permitted development
16/0067 Land adjacent Thornbridge Outdoors Thornbridge Great Longstone	Carrying out of groundworks	Works by Water Authority are permitted development
14/0449 Medi-Bee The Old Post Office Bridge Street Bakewell	Display of four advertisements	Advertisements removed
11/0125 Black Rabbit Cottage Pindale Road Hope	Extension to outbuilding	Immune from enforcement action
10/0041 Land south of Smalldale Rd Smalldale Bradwell	Erection of three buildings	Immune from enforcement action
14/0597 Midgley Gate Barn Burntcliffe Top Wildboardclough	Erection of satellite dish	Not expedient to pursue enforcement action