

14. MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2018 (A.1533/AJC)

1. Introduction

- 1.1 This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last year (April 2017 – March 2018). The report also includes information on the breaches of planning control that have been resolved in the latest quarter (January – March 2018). The majority of breaches 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 Head of Development Management and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Head of Development Management, Monitoring & Enforcement Manager and Area Planning Managers.
- 1.2 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 needs 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.
- 1.3 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.
- 1.4 Appendix 1 is a list of formal notices issued since 2012 which have not been fully complied with. The relevant issue date, effect date and compliance date is given for each of these together with a summary of the current position.

2. RECOMMENDATION:

That the report be noted.

3. Summary of Activity 2017-18

3.1 Notices issued

11/0111A The Lodge Manchester Road Hollow Meadows Sheffield	Alterations to vehicular access and creation of driveway	Enforcement Notice issued on 5 April 2017 Notice withdrawn on 24 May 2017 as planning permission granted
11/0111B The Lodge Manchester Road Hollow Meadows Sheffield	Change of use of land from agricultural use to recreational/amenity use in association with a care home	Enforcement Notice issued 5 April 2017 Notice withdrawn on 24 May 2017 as planning permission granted

15/0141 High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	Enforcement Notice issued on 4 May 2017 Appeal dismissed and Notice came into effect on 2 January 2018 Compliance date 2 January 2019
15/0110 Land at Diggle Mill Diggle Oldham	Untidy land	Section 215 Notice issued on 13 June 2017 Problem with service of Notice so further Notice to be issued
10/0189 Fox Holes Farm Hoar Stones Road Low Bradfield Sheffield	Change of use to mixed use comprising agriculture, a single dwellinghouse, holiday accommodation and as a venue for the holding of wedding events and functions	Enforcement Notice issued on 28 June 2017 Notice withdrawn on 6 October 2017 and replacement issued – see below
17/0054 Land to the north of Mortimer Road Bradfield Sheffield	Alteration of existing track, extension of track and engineering operations to create a flat area	Enforcement Notice issued on 30 June 2017 Appeal lodged – being dealt with by written representations procedure
08/0069 Bent Farm Bent Lane Tissington	Residential static caravan	Enforcement Notice issued 3 August 2017 No appeal so Notice took effect on 15 September 2017 Compliance date is 15 September 2018
10/0189A Fox Holes Farm Hoar Stones Road Low Bradfield Sheffield	Change of use to mixed use comprising agriculture, a single dwellinghouse, holiday accommodation and as a venue for the holding of wedding events and functions	Enforcement Notice issued on 6 October 2017 Copy of appeal form received on 16 November 2017 – awaiting start letter from PINs

3.2 In addition, officers in the Minerals and Waste Team issued an Enforcement Notice in December 2017 with regard to Moss Rake East Quarry. This will be covered in more detail in the Minerals and Waste Annual Report which is due to be considered at the Planning Committee in May 2018.

3.3 Enforcement appeal decisions

13/0146 Land North of Brown Lane Flash Quarnford	Use of land for storage, handling and processing of wood	15 February 2018 - Appeal allowed in part on grounds (f) and (g) – Notice upheld subject to variations – Compliance dates between 15 May 2018 and 15 April 2019
15/0141 High Peak House Blackbrook Chapel-en-le-Frith	Change of use of outbuilding to a dwellinghouse	2 January 2018 – Appeal dismissed and Notice upheld – Compliance date 2 January 2019

3.4 Workload and performance

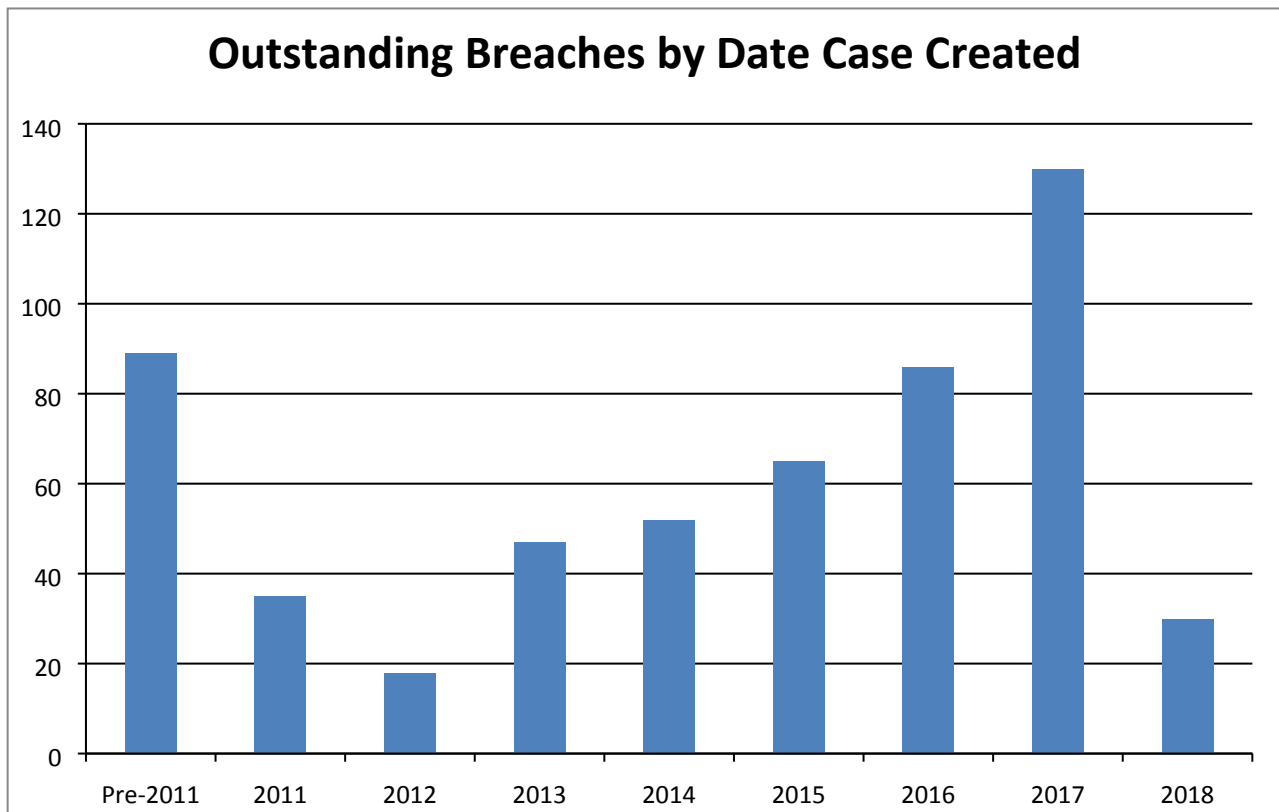
3.5 The following is a summary of the Monitoring & Enforcement Team’s workload and performance over the last year. The main performance target in the Planning Service Plan is to resolve 120 breaches of planning control each year and in the past year we have resolved 122 breaches. The number of new breaches has increased from 164 in 2016/17 to 186 in 2017/18. This is reflected in the increase in outstanding breaches at the end of the year - from 494 (in 2016/17) to 551.

3.6 The past year has seen a significant improvement in dealing with enquiries. The number of enquiries outstanding at the end of the year has almost halved – from 116 to 63 – and 85% of enquiries have been investigated within 30 working days. This compares favourably with the Service Plan target of investigating 80% of enquiries within 30 days. It also represents a significant improvement on the previous year’s figure of 77%. It is also worth noting that over the past year, 50 more enquiries have been investigated than was the case in 2016/17.

	Received	Investigated/Resolved	Outstanding
Enquiries	400 (424)	458 (408)	63 (116)
Breaches	186 (164)	122 (132)	551(494)

3.7 Enquiries from different sources but relating to the same issue are logged as separate enquiries and included in the overall figure of 400 received. Over the year there have been 55 of these ‘duplicate’ enquiries so if these are discounted then the number of issues on which enquiries have been raised was 345. This figure has not been provided in previous quarterly or annual reports but will be included in future reports.

3.8 The chart below shows the outstanding breaches broken down according to the year that each case was created.



4. Breaches resolved in the latest quarter

16/0036 Woodside Farm Peak Forest Buxton	Internal alterations to agricultural building. Possible residential use.	No evidence of residential use
17/0055 Land rear of the Crofts Hathersage	Untidy land	Land tidied
17/0165 Bank House West Bank Winster Matlock	Change of use to holiday dwelling	Not a material change of use
12/0111 Land off Smith Lane Rainow	Use of agricultural land for storage	Enforcement Notice issued and use ceased
10/0194 Craig Cottage Froggatt Edge Calver	LISTED BUILDING - Internal works, new frontage wall and creation of terracing within the garden	Listed building consent granted

16/0131 Hurdlow Farm Upper Hulme Leek	Breach of conditions requiring the submission and approval of details	Conditions complied with
13/0122 Barrel Inn Bretton Eyam	Extension of car park	Immune from enforcement action
16/0128 The Former Shop The Square School Lane Parwich	Non-compliance with conditions on approval for change of use to residential use (NP/DDD/0509/0370)	Variation of conditions approved
17/0155 Former Bonsall Tip Winster	Alterations to access and site boundary including fencing and gates	Fencing and gates lowered as agreed
17/0143 Riverdale Edale Road Hope	Garage not built in accordance with plans approved under planning permission NP/HPK/0915/0861	Section 73 approval granted
12/0068 Fold Farm Main Road Taddington	Breach of Conditions 2, 6 & 7 on approval for conversion of buildings to five dwellings with (NP/DDD/0114/0072)	Conditions complied with
12/0087 Land opposite Torgate Farm Macclesfield Forest	Erection of timber building	Building removed
17/0100 Steak and Burger Bar Bridge Street Bakewell	Provision of hot takeaway food	Use ceased
10/0136 Bushey Heath Depot Clement Lane Bradwell Moor	Siting of residential caravan	Caravan removed following permission for steel fabrication workshop
14/0466 6 Brentwood Close Bamford	Breach of s106 local occupancy restriction	Restriction applied to nearby property
18/0008 The Shoulder Of Mutton PH Church Street Bradwell	Provision of roof terrace over the entrance lobby	Duplicate record

17/0091 Former Goldcrest Engineering Main Road Stanton-In-The-Peak	Non-compliance with landscaping conditions discharged under planning approval NP/DIS/0217/0143	Not expedient to take enforcement action
18/0020 Curtilage listed Wall to West of Elba Hair and Beauty Rutland Buildings Bakewell	Erection of timber panels attached to listed railings	Timber panels removed
17/0036 Higg House Higg Lane Longnor	Breaches of condition on permission for conversion of barn to two dwellings (NP/SM/0904/0977)	Some conditions discharged – not expedient to take enforcement action against remainder
18/0021 The Thorns Bradbourne Road Parwich	Use of part of field for car parking	Not a material change of use
17/0168 Rocklands The Bent Curbar Calver	Erection of poultry shed	Planning permission granted
12/0004 Land and buildings east of Lane End Farm Abney	Change of use to a mixed use including siting of caravan for human habitation, storage of a caravan and provision of work experience	Enforcement Notice complied with
14/0465 Burton Springs Farm Saltersford Rainow	Erection of sheep shelter	Immune from enforcement action
17/0175 2 Booths Edge Cottages Sheffield Road Hathersage	Dwelling partially demolished and rebuilt in breach of planning permission for extensions and alterations (NP/DDD/0815/0767)	Planning permission granted
17/0080 Riverside Country House Hotel Riverside Country House Hotel Fennel Street Ashford-In-The-Water	LISTED BUILDING - provision of extractor flue in breach of condition on permission for reinstatement of window and new vertical ducting	Planning permission and listed building consent granted
16/0164 The Old Coach House The Stones Castleton	Change of use of part of dwelling to two holiday lets	Planning permission granted