

11. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 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 quarter (July – September 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.

2. RECOMMENDATION:

That the report be noted.

3. Summary of Activity

3.1 Formal Notices issued

14/0590 Field rear of Friden Cottages Friden Buxton	Erection of a timber animal shelter/store	Enforcement Notice issued on 21 August 2018 Due to come into effect on 1 October 2018
17/0153 Bamford Hall Bamford Hope Valley	Change of Use from a dwellinghouse to a mixed use as a dwellinghouse and commercial short- term holiday letting	Enforcement Notice issued on 18 September 2018 Due to come into effect on 30 October 2018
15/0057 Land at Mickleden Edge Midhope Moor Bradfield	Engineering operations consisting of the laying of geotextile matting and wooden log 'rafts' on the land to form a track	Enforcement Notice issued on 21 September 2018 Due to come into effect on 12 November 2018

3.2 Breaches resolved

Case Ref. and Address	Breach of Planning Control	Reason for Resolution
17/0129 Harrop House Farm Macclesfield Road Rainow Macclesfield	Alterations to a vehicular access onto a classified road	Planning permission granted
14/0400 Smithy Farm Newhaven Buxton	LISTED BUILDING Replacement of sashes with colonial windows; satellite dish; internal alterations to layout and non-compliance with conditions attached to LBC	LBC granted and reinstatement works carried out; satellite dish removed
14/0197 Hollybush Farm Pikehall Matlock	LISTED BUILDING Various internal alterations including rendering of walls, replacement of doors, door surrounds and lintels and removal of ceilings	LBC granted and reinstatement works carried out
18/0004 Lilac Cottage Greaves Lane Ashford-In-The-Water Bakewell	Erection of shed	Shed removed
17/0059 Former Red Rake Mine Hassop Avenue Calver	Erection of building	Planning permission granted
17/0174 Townhead House Townhead Eyam Hope Valley	Change of use of outbuilding from home office to ancillary accommodation/holiday let	Planning permission granted
16/0097 Bridge Inn PH Calver	Display of advertisements	Advertisements replaced with approved scheme
15/0032 Lawson Cottage Queen Street Tideswell Buxton	Change of use of building to holiday let	Use ceased
17/0015 2 Sunny Bank Smalldale Bradwell Hope Valley	Erection of garage	Not expedient to take enforcement action

18/0094 The Lighthouse Charity Shop 7 Matlock Street Bakewell	Change of use of part of highway to display of items for sale	Display of items reduced to acceptable level – no longer causing an obstruction
18/0047 Barns at Greencroft Farm Dale Road Middleton-By-Youlgrave Bakewell	Commencement of works on conversion of barns to residential and ancillary use in advance of discharging details required by condition	Conditions discharged
17/0117 Oldhall Cottage Edale Road Hope Hope Valley	LISTED BUILDING – Internal alterations	Remediation works carried out
15/0090 Peacock Hotel Owler Bar Sheffield	Display of advertisements	Advertisements removed
10/0191 The Hollows Whitefield Lane Flagg Buxton	Residential caravan	Permitted development as occupant engaged in works to erect farm workers' dwelling
15/0135 Lone Beech Eaton Drive Baslow Bakewell	Installation of roof vents in breach of planning permission for extension (NP/DDD/0215/0076)	Non-material amendment granted
18/0126 Croft House Hope Road Bamford Hope Valley	Erection of playhouse on agricultural land	Playhouse removed
11/0173 Valley View Slaley Bonsall Matlock	Breach of landscaping condition attached to permission for erection of summerhouse	Enforcement notice issued but subsequently withdrawn as summerhouse removed
18/0038 Lathkill Lodge Picory Corner Stanton In Peak Matlock	Change of use of dwelling to use as an 'after wedding venue' and short-term lets	Use has reverted to a dwelling

18/0057 Land adjoining Glen Thorne Barber Booth Edale Hope Valley	Erection of shepherds hut on agricultural land	Hut relocated within garden so now permitted development
16/0042 Heyridge Farm Snake Road Bamford Hope Valley	Untidy land – scrap vehicles etc	Land cleared
16/0154 Lawson Cottage West End Elton Matlock	LISTED BUILDING – various internal and external alterations	Building removed from statutory list
17/0119 Sugarcane 8 Portland Square Bakewell	Change of use of part of highway to display of items for sale	Display of items reduced to acceptable level – no longer causing an obstruction
17/0147 Ashford Hall Baslow Road Ashford-In-The-Water Bakewell	Erection of two agricultural buildings and three other agricultural buildings erected in breach of planning permission (NP/DDD/0713/0568)	Retrospective planning permission granted
17/0101 Maazi Indian Restaurant Unit 6 The Square Main Road Hathersage Hope Valley	Alterations to extractor fan	Planning permission not required
17/0012 Agricultural building next to Lathkill Farm and opposite Slade Cottage Over Haddon	Caravan sited in agricultural building	Appears to be in use for agricultural purposes so no breach of planning control
16/0145 Trinity Cottage Hill Cross Ashford-In-The-Water Bakewell	Erection of covered verandah	Planning permission granted on appeal
14/0123 Fir Trees Lodge Cliff Lane Calver Hope Valley	Installation of solar panels on agricultural land	Immune from enforcement action

17/0005 Barn off Soft Water Lane Bradwell Hope Valley	Breach of conditions attached to permission for conversion of barn to holiday cottage (NP/DDD/0214/0223)	Conditions complied with
17/0074 Knotlow Farm Wormhill Buxton	Installation of vents and crop drying system in potato store.	Retrospective planning permission granted
16/0057 Rising Sun Hotel Rising Sun Hotel Hope Road Bamford Hope Valley	Alterations to front elevation	Building to be demolished
06/0019 Nether Water Farm Bradwell Tideswell Buxton	Non-compliance with landscaping conditions	Immune from enforcement action
12/0052 The Cottage Litton Dale Litton Buxton	Erection of wooden pole	Immune from enforcement action

3.4 **Overview of Caseload**

- 3.5 The following table provides an overview of the Monitoring & Enforcement Team's caseload at the end of the quarter. Figures for the preceding quarter are shown in brackets. The main performance target is to resolve 120 breaches of planning control each year. In this second quarter the team has resolved 32 cases and so far this year 68 cases have been resolved – so we are currently ahead of target.

	Received	Investigated/Resolved	Outstanding
Enquiries	125 (136)	131 (118)	73 (80)
Breaches	51(61)	32 (36)	595(577)

- 3.6 Enquiries from different sources but relating to the same issue and enquiries relating to current enforcement cases are logged as separate enquiries and included in the overall figure of 125 received. Over the quarter there have been 15 of these 'duplicate' enquiries so if these are discounted then the number of sites/issues on which enquiries have been raised is 110.

- 3.7 82% of enquiries have been investigated within 30 working days which is above the performance target of 80%. The number of enquiries received (125) is significantly higher than in the equivalent quarter last year (106).

Report Author and Job Title

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