

15. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2019 (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 (Oct – Dec 2018). 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 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, which was updated in October 2018, is available on the Authority's website.

2. RECOMMENDATION:

That the report be noted.

3. Summary of Activity

3.1 Formal notices issued:

15/0078 Ye Olde Cheshire Cheese How Lane Castleton	Installation of extraction unit and ducting system	Enforcement Notice issued on 5 November 2018 Came into effect on 14 December 2018
---	--	--

3.2 Breaches resolved:

18/0122 Burrs Farm Caxterway Lane Chelmorton	Change of use of land to camping and caravan site and footgolf	Use ceased
---	--	------------

18/0065 Church Farm Dam Lane Alsop-En-Le-Dale Ashbourne	Construction of a Manege	Planning permission granted
15/0012 The Mill Ashford Road Bakewell	LISTED BUILDING - alterations to Mill Barn	Listed building consent granted
18/0103 Valley View Guest House 67 Smithy Knoll Road Calver	Change of use from guest house to dwelling and erection of gates and fence	Planning permission granted
18/0138 Town Head Farm Elkstones	Use of land for pheasant shooting	Permitted development as taking place for no more than 28 days per year
18/0139 The Bakewell Soap Company Unit 6a Riverside Business Park Buxton Road Bakewell	Change of use from B1 to D1	Use now falls within B1
18/0022 Swallow Cottage Pilough Lane Pilough Rowsley	Erection of a building	Not expedient to take enforcement action
13/0061 Land adjacent 1 Water Meadows Hope Road Edale	Use of agricultural land as a commercial wood yard	Use reduced to a level which does not require planning permission
17/0071 Ye Olde Royal Oak Royal Oak Road Wetton	Use of car park for overnight occupation of camper vans	Use ceased
18/0110 Horsleygate Hall Holmesfield	Use as a wedding venue	Use ceased
17/0158 E&B Turkish Barbers 2 Buxton Road Bakewell	Use of first floor for residential purposes and display of illuminated sign	Residential use ceased – illuminated sign removed, remaining signs have deemed consent

16/0007 Abney Low Barn Abney Hathersage	Use of barn as a dwellinghouse	Use not instituted, physical works ceased
18/0100 The Rocklands Curbar	Breach of conditions 2, 5 and 6 on planning permission NP/DDD/1217/1282 (hen house)	Appeal against conditions allowed
17/0136 Ivy Cottage Lydgate Eyam	Change of use of domestic outbuilding to cafe	Planning permission granted
16/0044 Cherry Tree Cottage The Wash Chapel-En-Le-Frith	Partial erection of building	Partially erected building removed
12/0131 Land at Chapel Close Youlgrave	Non-compliance with condition 4 (access) and breach of occupancy restriction on NP/DDD/0106/0023 (Erection of two local needs dwellings)	Condition 4 complied with - Not expedient to take enforcement action against breach of occupancy restriction
16/0127 Stoke Farm Main Road Stoke Grindleford	Insertion of three rooflights and other design alterations in breach of planning permission NP/DDD/0413/0248 (change of use of cattle barn to camping barn)	NMA approved
18/0043 The Showground Bakewell	Siting and residential use caravans	Caravans removed
17/0135 3 Stoney Furlong Road Baslow Bakewell	Creation of access, landscaping works and construction of retaining wall	Level of retaining wall reduced and site re- landscaped
16/0039 Highlow Wood Abney Hathersage	Erection of building and creation of two ponds	Enforcement notices complied with – building removed and ponds infilled
18/0074 Buildings off Pilhough Road Stanton Lees	Use of land for stone reclamation	Use ceased and land cleared
18/0097 Dove Chapel Cottage Mill Dale Milldale Alstonefield	LISTED BUILDING - Removal of historic limestone flag and brick floor	Listed building consent granted and work completed as approved

13/0087 Sheldon's Luxury Retreat Home Farm Sheldon Bakewell	Change of use of guesthouse to guesthouse and cafe	Café use ceased
10/0073 Tor Farm Middleton by Youlgreave Nr Bakewell	Untidy land	Condition of land now satisfactory
05/0123 Tor Farm Middleton by Youlgreave Nr Bakewell	Mixed use of residential dwelling and vehicle storage	Vehicle storage reduced to authorised level
14/0569 Field off Castleton Rd (A6187) West of Hathersage	Excavations to create levelled and surfaced hardstanding and erection of retaining wall	Retaining wall immune from enforcement action – resurfaced hardstanding not development
12/0085 Bolt Edge Farm Dove Holes Buxton	Non-compliance with landscaping condition on NP/HPK/0210/0116 (Erection of agricultural implement store)	Condition discharged
18/0010 The Trees Intake Lane Bakewell	Retaining wall not erected in accordance with plans approved under planning permission NP/DDD/0915/0862 (demolition of bungalow and erection of replacement two-storey dwelling)	Section 73 application granted
17/0170 The Cavalier Weags Bridge Road Grindon	Erection of conservatory	Permitted development
13/0105 Pear Tree Cottage Main Street Calver	Erection of log store and construction of hardstanding	Immune from enforcement action
16/0090 1A Market Square Tideswell	LISTED BUILDING – partial demolition and rebuilding and other alterations	Not expedient to take enforcement action
14/0306 Grapes Hotel Market Place Longnor	LISTED BUILDING -Satellite dishes, lights, alarm boxes and brackets attached to the exterior. Various internal works.	External and internal features removed as part of general refurbishment
14/0470 Land south of Tanyard Farm Old Glossop	Engineering operations – diversion of watercourse and creation of pond	Land reinstated

18/0105 Formerly Philip Roose Auctioneers & Estate Agents Rutland Chambers Buxton Road Bakewell	LISTED BUILDING – removal of fireplace	Works ceased – only modern fireplace removed – building being renovated
18/0123 Ivy Cottage Wensley Road Winster	Use of detached outbuilding as holiday let	Immune from enforcement action
08/0109 The Little Sweet Shop Calver Sough Calver	A board advertisements on the highway	Signs removed – advertisements in general locality being investigated
08/0106 Eyre Arms Public House Calver Sough Calver	A board advertisements on the highway	Signs removed - advertisements in general locality being investigated
08/0110 Calver Sough Crossroads and The Avenue (A623) Calver	A board advertisements on the highway (advertising The Moon Inn, Stoney Middleton)	Signs removed - advertisements in general locality being investigated
18/0169 Land to the rear of Leam Cottage Farm, Leam, Near Grindleford	Erection of fencing	Majority is below permitted height of 2m – remainder only just above 2m so 'de minimis'
16/0018 Damgate Farm Stanshope Ashbourne	LISTED BUILDING – Erection of flue in breach of approved plans for NP/SM/0411/0352 (conversion of redundant farm building to holiday units)	Principle of flue established – LBC application to be submitted

4 **Overview of caseload**

4.1 The following table provides an overview of the Monitoring & Enforcement Team's caseload for the end of the quarter. Figures in brackets are for the previous quarter. The main performance target is to resolve 120 breaches of planning control each year. In this third quarter we have resolved 40 cases and so far this year 108 cases have been resolved – so we are currently well ahead of our performance target.

	Received	Investigated/Resolved	Outstanding
Enquiries	104 (125)	117 (131)	61 (73)
Breaches	38 (51)	40 (32)	593(595)

- 4.2 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 above figure of 104 received in the quarter. Over the quarter there have been 14 of these duplicate enquiries so if these are discounted then the number of sites/issues on which enquiries have been received is 90.
- 4.3 In the October – December quarter 93% of enquiries were investigated within 30 working days, which is significantly above our performance target of 80%.

Report Author and Job Title

Andrew Cook, Team Manager – Monitoring & Enforcement