

## **15. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 2019 (A.1533/AJC)**

### **Introduction**

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (July – September 2019).
2. Most breaches of planning control are resolved voluntarily or through negotiation without resorting to formal enforcement action. Where formal action is considered necessary, the Head of Development Management and Head of Law have joint delegated powers to authorise such action whereas authority not to take formal action is delegated to the Head of Development Management, the Monitoring & Enforcement Manager and Area Planning Managers.
3. 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. 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. When we take formal action it must be proportionate with the breach of planning control. It must also be clear that resolving the breach would be in the public interest.
4. 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 we published our 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.

### **RECOMMENDATION:**

**That the report be noted.**

### **Summary of Activity**

#### **5. Notices issued**

16/0022	Erection of a building	Enforcement Notice
Land north of Main		issued 8 August 2019
Road		Appeal submitted but not
Taddington		yet validated.

#### **6. Appeals determined**

10/0189	Use as a venue for wedding events and other	Appeal dismissed 2
Fox Holes Farm	functions	August 2019. Three-
Hoar Stones Road		month compliance
Low Bradfield		period ends on 2
		November 2019.

## 7. Breaches resolved

14/0484 Land at Little Timbers Station Approach Hathersage	Erection of two dwellings	Enforcement notices issued – planning permission granted
18/0124 Folds Farm High Street Calver	Change of use of land from residential garden to amenity use (sui generis), storage of caravan and erection of shed and greenhouse	Caravan removed – not expedient to enforce remaining breaches
17/0157 Newburgh House Netherside Bradwell	Erection of porch	Planning permission granted on appeal
11/0161 Burrs Farm Chelmorton Nr Buxton	Rebuilding of dwelling, residential static caravan (with verandah and hardstanding) and erection of shed.	Lawful use certificate granted for rebuilding of dwelling. Static caravan and shed removed following issue of enforcement notice
19/0112 Land at Eyam Moor, north of Sir William Hill Road, Grindleford grid ref - 217 785	Installation of a bench	Bench removed
19/0107 Holme Lacy Alma Road Tideswell	Erection of flue	Immune from enforcement action
18/0081 Springfield Farm Aldwark Grange Mill	Extensions to dwelling	Retrospective planning permission granted
19/0123 Aldi Store Buxton Road Bakewell	Access visibility splays not in accordance with approved scheme	Merged with case 19/0039
16/0165 Quarters Farm	Sub-division of dwelling to form two dwellings	Merged with case 17/0072

Cottage  
Quarters Lane  
Bradwell

19/0129  
Stonecrop Cottage  
Far Hill  
Bradwell

Replacement windows

No breach of planning control

19/0055  
Smiths Island Car  
Park  
Bakewell

Siting of ice cream van

Current level of use appears to fall within permitted development

18/0190  
Land at Town End  
Taddington

Breach of condition 4 on NP/DDD/1216/1259 (erection of four local needs dwellings) ring fencing on trees has been removed and reduced

Fencing reinstated

16/0126  
Land next to  
Honeybee Cottage  
Main Road  
Wensley

Excavation and other ground works

Deposited material removed and land tidied and revegetated

18/0064  
Heys Villa  
Chapel Road  
Hayfield

Siting of residential caravan

Permitted development as occupants are engaged in operations on site

18/0076  
Park Hall Manor  
Park Hall Estate  
Little Hayfield

Construction of lake

Retrospective planning permission granted

19/0011  
Autumn Cottage  
East Bank  
Winster

LISTED BUILDING - Insertion of UPVC windows to principal elevation

Windows replaced with approved design

19/0115  
Westmead  
Aldern Way  
Bakewell

Access arrangements not in accordance with approved plans on NPDDD//0913/0852 (Extension of dwelling)

Permitted development

19/0008  
Cheese Press  
Cottage  
Stanton in Peak

Roof ridge on extension higher than approved plans for NP/DDD/0817/0887

Retrospective planning permission granted

18/0055  
Land opposite  
Breech Close,  
Waterhouses

Erection of a timber stable block and feed store; and the construction of an access and hardstanding

Retrospective planning permission granted

18/0072 Land east of Knowsley Cross Farm Longnor	Siting of caravan for holiday occupation	Caravan removed
19/0139 Land near Bostern Grange Farm Gag Lane Thorpe	Residential caravan	Merged with case 17/0142
17/0152 Former newsagents Rutland Square Bakewell	Display of advertisements	Advertisements removed
17/0121 Peppercorn House South Church Street Bakewell	Installation of flue	Retrospective planning permission granted on appeal
15/0087 Haddon Grove Farm Haddon Grove Over Haddon Bakewell	Extension of agricultural building	Immune from enforcement action
15/0025 Highfield Farm Vicarage Lane Ashford-In-The- Water	Erection of agricultural building	Immune from enforcement action
15/0023 Land opposite Flagg Hall Farm Flagg	Surfaced access track	Immune from enforcement action
16/0065 Land at Bramley Lane Hassop Common Bakewell	Surfaced access tracks	Works are repair and maintenance – no breach of planning control
17/0021 Former Hassop Station Hassop Road Hassop	Use of first floor for A1 retail purposes	Not expedient to pursue enforcement action
19/0116 The Cottage Congreave	Breach of conditions on NP/DDD/0216/0119 and NMA/1116/1120 (alterations, extension and detached outbuilding)	Remedial works carried out to comply with conditions

## Stanton in Peak

19/0104 Yewtree Cottage Main Road Wensley	Demolition of outbuildings and removal of part of boundary wall to form access in conservation area	Not expedient to pursue enforcement action
19/0127 Pump Hill Village Garden Near Parwich Memorial Hall Kiln Lane Parwich	Demolition of wall in conservation area in association with creation of community garden	Not expedient to pursue enforcement action
16/0066 Lower Summerhill Summerhill Lane Quarnford	Siting of residential caravan in breach of condition on NP/SM/1016/1071 (conversion of barn to local needs dwelling)	Caravan removed
16/0050 Rock Cottage Hopedale Alstonefield	Erection of fenced enclosure	Fence removed
17/0010 Horseshoe Cottage Alstonefield	Siting of steel container	Container removed
14/0464 Fernhill Hollow Meadows Sheffield	Window arrangement in breach of planning condition on NP/S/0613/0532 (erection of single storey extension)	Not expedient to pursue enforcement action
15/0123 Land at Glebe Farm Millers Dale	Creation of new access and widening of existing access onto classified road	Not expedient to pursue enforcement action
18/0006 Diggle Rifle Range Diggle Oldham	Surfaced tracks	Not expedient to pursue enforcement action
17/0088 Lane Farm Bar Road Curbar	Non-compliance with approved plans on NP/DDD/0616/0526 (construction of horse riding arena)	Not expedient to take enforcement action
18/0133 Gratton Grange Farm Gratton	Use of barn as a wedding venue	Use has ceased
18/0068	Breach of parking condition on NP/HPK/1109/0930	Not expedient to pursue

Cheshire Mews How Lane Castleton	(Change of use of garages to breakfast facility and kitchen area)	enforcement action
18/0061 Ivy Cottage Stonelow Eastmoor Chesterfield	Construction of surfaced track on agricultural land	Track removed and land restored
16/0028 Stone Row House Crowden Glossop	Construction of tree house	Not expedient to pursue enforcement action
18/0101 The Mill Millers Dale Buxton	Breach of conditions on NP/HPK/1018/0898 (Erection of rear extension)	Majority of conditions complied with – not expedient to pursue enforcement action against other breaches
13/0146 Land Opposite Flash Primary School Flash Quarnford	Use of land for the importation, handling and processing of wood	Enforcement notice issued – use ceased and land restored
16/0117 Hillside Stables Hassop Road Calver	Erection of stable	Immune from enforcement action
16/0008 Land at Barber Booth Edale	Creation of vehicular access from a classified road	Not expedient to pursue enforcement action
12/0105 Shuttle Cottage New Bridge Calver	Use of land for storage of vehicles, equipment, timber, stone etc	Enforcement notice issued – land cleared
19/0142 Izaak Walton Hotel Dovedale	Display of advertisement signs	Signs removed
08/0115 The Anchor Inn Tideswell	Advertisement sign on highway verge	Sign benefits from deemed consent
19/0039 Aldi Store Buxton Road	Non-compliance with approved plans and conditions on NP/DDD/0115/0043 (demolition of existing industrial and office buildings and construction of	Remedial works carried out and conditions discharged

Bakewell                      new food store etc)

Workload and performance

8. The table below provides an overview of the Monitoring & Enforcement Team's caseload and performance in the quarter. The figures in brackets are for the previous quarter. Our main performance target is to resolve 120 breaches of planning control each year. In the latest quarter (July – September 2019) we resolved 50 breaches and at the half-year point (i.e. since 1 April 2019) 84 breaches have been resolved so we are currently on track to significantly exceed our annual target.
9. In the latest quarter, 88% of enquiries were investigated within 30 working days, which is well above our performance target of 80%.
10. Enquiries from different sources but relating to the same issue are logged as separate enquiries and included in the overall figure below of 126 received. Over this quarter there have been 10 of these 'duplicate' enquiries so if these are discounted then the number of issues on which enquiries have been raised is 116.

	Received	Investigated/Resolved	Outstanding
Enquiries	126 (158)	98 (176)	83 (63)
Breaches	48 (71)	50 (34)	608 (629)

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