

## **9. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2020 (A.1533/AJC)**

### **Introduction**

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (October – December 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 and 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**

<u>Notices issued</u>		
5.		
15/0036	Siting of a static caravan used for human habitation	Enforcement Notice issued 23 July 2019 – came into effect 6 September 2019 – compliance dates 2 November 2019 (cease use); 2 December 2019 (remove caravan) and 2 January 2020 (remove stored items, equipment, materials and fencing)
Land north of Hope Road Edale		
17/0095	(1) Erection of a building; (2) excavation of land and installation of a piped water	Enforcement Notice issued 2 October 2019 –
Land at Big Marnshaw		

Head Longnor	supply; and (3) excavation and re-profiling of the land	came into effect 15 November 2019 – compliance dates 15 January 2020 (building removal), 15 March 2020 (land restoration) and first seeding season after completion of land restoration (reseeding)
15/0138 Land opposite Dale Bottom Cottage Hopedale Alstonefield	Erection of a building	Enforcement Notice issued 11 November 2019 – came into effect 18 December 2019 – compliance date 18 March 2020
17/0179 Land off Summer Cross (Otherwise known as Ingledene) Tideswell	Erection of a building	Enforcement Notice issued 18 November 2019 – due to come into effect 10 January 2020

6. Prosecution

The former owners of The Lodge, Main Street, Winster (a grade II listed building) were sentenced at Derby Crown Court on 25 October 2019 in relation to unauthorised works carried out to the building, including the removal and replacement of a cruck truss, oak ceiling beams and purlins. A joiner who was involved in carrying out the work was sentenced at the same time. This was the culmination of a detailed investigation and eventual prosecution by the Authority which commenced in March 2017 and entailed significant input of resources from the Monitoring and Enforcement Team, Cultural Heritage and Legal Services. The three defendants had each pleaded guilty to five charges at a hearing in Chesterfield Magistrates Court in April 2019.

The two former owners were each fined £1000 and each ordered to pay £5000 costs whilst the joiner was fined £250 and ordered to pay £1000 costs. The owners were also ordered to pay £20,000 each under the Proceeds of Crime Act 2002. This legislation provides for the confiscation of proceeds gained by criminal activity so could be used in this case as unauthorised works to a listed building are an offence. The confiscation order was calculated on the basis of the increased value of the property resulting from the unauthorised works as assessed by an independent valuer appointed by the Authority.

7. Breaches resolved

19/0146 Church Farm Creamery Lane Parwich	Listed Building - Demolition of curtilage wall	Duplicate record
14/0118 Naze Farm Cottage Maynestone Road Chinley	Change of use from holiday let to full-time dwelling and change of use from agricultural building to business purposes	Uses ceased
15/0086 Stanley Moor	Agricultural building	Immune from enforcement action

Near Grindlow  
Great Hucklow

19/0073 Leam Farm Grindleford	Agricultural building	Planning permission granted
19/0144 Windy Ridge Tideswell Lane Eyam	Non-compliance with planning permission (NP/DDD/1118/1023) for reconstruction of driveway and replacement garage	NMA granted
17/0033 Four Lane Ends Barn Monyash Road Bakewell	Breach of conditions on planning permission (NP/DDD/0714/0734) for conversion of barn to dwelling	Section 73 application granted and complied with
17/0158 E&B Turkish Barbers 2 Buxton Road Bakewell	Display of advertisements	Advertisements removed
19/0149 Land west of Hassop Roundabout Hassop	Use of land for car parking	Use ceased (likely to be seasonal)
16/0062 George Inn Leek Road Waterhouses	Use of pub as a dwelling	Use ceased
17/0039 Land off Lane Head Road Little Hayfield	Replacement windows	Enforcement notice issued and complied with – building removed
19/0135 2 Victoria Cottages Buxton Road Bakewell	Listed Building – installation of windows	Windows replaced with approved design
19/0160 Bank Farm, Fox Lane Holmesfield	Residential static caravan	Planning permission granted for barn conversion, unilateral undertaking signed for removal of caravan
19/0190 Riley View The Green Curbar Calver	Erection of garden office	Permitted development
19/0072	Listed Building – replacement front door	Listed building consent

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Hill View Alport		granted
13/0114 Hurst Nook Farm Derbyshire Level Glossop	Construction of hardstanding and walls	Immune from enforcement action
19/0169 29 Cote Lane Hayfield	Listed building - satellite dish and flue	Case merged with 19/0188
19/0175 New Colshaw Farm Golling Gate Hollinsclough	Siting of shepherd hut for holiday use	Duplicate record
19/0101 Devonshire Arms Hernstone Lane Peak Forest	Residential static caravan	Ancillary to pub so no breach of planning control
19/0126 Land At Town End Taddington	Unacceptable stonework used in construction of four local needs dwellings (NP/DDD/1216/1259)	Remedial work carried out
17/0024 Land above Gratton Lane/Burycliffe Quarry Gratton	Use of land for motorbike trials	Immune from enforcement action
13/0010 Land adjacent A621 Between Baslow and Fox Lane	Display of advertisements for the Fox and Goose Inn, Wadshelf	Advertisements removed
14/0120 Lapwing Farm Kettlethulme	Erection of timber shelter	Immune from enforcement action
19/0177 64 Top Cottages Cressbrook	Listed building – installation of oil tank	Oil tank removed
13/0009 Birch Lea Hollow Meadows Sheffield	Breach of condition regarding maximum number of employees attached to planning permission NP/S/0110/0072 for change of use of part of garage to office	Condition now being complied with
14/0548 Land opposite the former Flouch Public House, Whams Road, Hazlehead	Construction of access	Immune from enforcement action

19/0182 Junction of A515/A5012 Newhaven	Erection of a structure for the display of advertisements	Structure removed
18/0147 Weir Bridge The Crescent Bakewell	Display of advertisement	Advertisement removed
15/0059 Field adj to the Village Hall Main Street Calver	Erection of building	Immune from enforcement action
19/0047 Land West Of Village Hall Main Street Calver	Construction of hardstanding	Hardstanding removed
06/0103 Council Offices Mill Lea Road Low Bradfield	Listed building – non-compliance with listed building consent for installation of access ramp (NP/S/1204/1373)	Not expedient to take enforcement action
17/0114 Former Warslow Industrial Estate Leek Road Warslow	Non-compliance with approved plans for erection of four dwellings (NP/SM/1116/1180)	Development now in accordance with approved plans
18/0023 Swallow Holme Caravan Park Station Road Bamford	Erection of fence	Not expedient to take enforcement action
17/0187 Middle Barmoor Farm Dove Holes Buxton	Residential static caravan	No change of use as caravan is within curtilage of dwelling

#### 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 (October – December 2019) we resolved 33 breaches and so far this year (i.e. since 1 April 2019) 117 breaches have been resolved so we are currently on track to significantly exceed our annual target.
9. In the latest quarter, 80% of enquiries were investigated within 30 working days, which is equivalent to 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 101 received. Over this quarter there have been 9 of these 'duplicate' enquiries so if these are discounted then the number of issues on which enquiries have been raised is 92.

	<b>Received</b>	<b>Investigated/Resolved</b>	<b>Outstanding</b>
Enquiries	101 (126)	105 (98)	79 (83)
Breaches	36 (48)	33 (50)	611 (608)