

7. MONITORING & ENFORCEMENT ANNUAL REVIEW – OCTOBER 2020 (A.1533/AJC)

Introduction

1. A report summarising the work carried out by the Monitoring & Enforcement Team is normally considered by the Committee each quarter in April, July, October and January. An annual summary is also normally included in the report to Committee each April. Due to the restrictions around the Covid-19 pandemic, however, the quarterly and annual reports were not presented to Committee in April or July this year. So the last report was considered at the Committee in January 2020.
2. This report provides an annual summary for the last full year, up to 31 March 2020. It also summarises the work carried out in the Team from 1 April to 30 September 2020.
3. 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. Conversely, authority not to take formal action is delegated to the Head of Development Management, the Monitoring & Enforcement Manager and Area Planning Managers.
4. 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.
5. 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, which was revised and updated in October 2018 is available on the Authority's website.
6. Team Resources – In February 2020, one of the two Monitoring and Enforcement Officer posts became vacant although the postholder had been absent since October 2019. The post was advertised in March with a closing date of 22 March 2020. Due to the Covid-19 restrictions, however, the recruitment process was delayed and interviews eventually took place 'remotely' in June. Unfortunately, although offers of employment were made, it was not possible to recruit any of the candidates who were interviewed.
7. In April 2020 two Senior Monitoring and Enforcement Officer posts also became vacant. One of these was a fixed-term full-time contract for two years (with one year left to run), with the main focus on more complex cases and particularly those where formal action was likely to be required. The other post was a permanent part-time (2.5 days per week) role working on a backlog of listed building enforcement cases. These two posts had been created in April 2019 in order to help us continue to improve our performance and reduce the overall caseload. Again, recruitment to these posts was delayed by the Covid-19 restrictions.
8. Following the introduction of a Vacancy Control Process, providing greater scrutiny of proposed recruitments by Senior Leadership Team, a decision has recently been taken not to appoint to these the two Senior posts and allowed only an internal recruitment for the Monitoring and Enforcement officer which was unsuccessful. This leaves the Team

consisting of a Team Manager post, one full-time Senior Monitoring and Enforcement Officer post and one full-time Monitoring and Enforcement Officer post (currently shared by two postholders). Inevitably, this has resulted in a negative impact on our overall performance on casework. The impacts of this is reflected in the summary below, particularly in relation to our performance since 1 April 2020.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2019-20

9. Notices issued

17/0044 Land at Woodseats Farm Windy Bank Bradfield	Excavations, creation of hardstanding and tracks and erection of lighting and CCTV columns	Temporary Stop Notice issued 24 April 2019 Ceased to have effect 22 May 2019
17/0044 Land at Woodseats Farm Windy Bank Bradfield	Excavations, demolition of retaining structures, construction of hardstanding and creation of new tracks; erection of extension, installation of foul and surface water drainage, erection of lighting, CCTV columns and service connections	Enforcement Notice issued 23 May 2019 - came into effect 12 July 2019 – compliance dates between 13 July 2019 and 12 March 2020
17/0044 Land at Woodseats Farm Windy Bank Bradfield	Excavations, construction of hardstanding, new tracks and erection of lighting and CCTV columns	Stop Notice issued 23 May 2019
15/0036 Land north of Hope Road Edale	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)
16/0022 Land north of Main Road Taddington	Erection of a building	Enforcement Notice issued 8 August 2019 – due to come into effect 20 September 2019 but appeal lodged

17/0095 Land at Big Marnshaw Head Longnor	(1) Erection of a building; (2) excavation of land and installation of a piped water supply; and (3) excavation and re-profiling of the land	Enforcement Notice issued 2 October 2019 – 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 — building removed before compliance date of 18 March 2020
17/0179 Land off Summer Cross (Otherwise known as Ingledene) Tideswell	Erection of a building	Enforcement Notice issued 18 November 2019 – came into effect 10 January 2020 – compliance date 10 April 2020
14/0583 Land at Bottle Croft Main Street Chelmorton	Non-compliance with conditions requiring (a) removal of building (temporary dwelling) within two years; and (b) reinstatement of the site to its former condition	Enforcement Notice issued 28 January 2020 – due to come into effect 6 March 2020 but appeal lodged
19/0189 Land south of Black Harry House Wardlow	Erection of a dwellinghouse	Enforcement Notice issued 25 February 2020 – due to come into effect 10 April 2020 but appeal lodged
17/0075 Land at One Acre Wood East of Heyburn Farm Little Hayfield	Construction of a dwelling and change of use of land to a mixed use comprising agriculture and residential use	Enforcement Notice issued 2 March 2020 – due to come into effect 6 April 2020 but appeal lodged
10.	<u>Appeals determined</u>	
18/0062 Land at Cartledge Flat/Rushy Dike North of Hollingdale Plantation Bradfield	Laying of crushed stone to form a track	9 May 2019 – Appeal dismissed with variation to the enforcement notice requirements. Four month compliance period ended on 9 August 2019.

10/0189 Fox Holes Farm Hoar Stones Road Low Bradfield	Use as a venue for wedding events and other functions	2 August 2019 – Appeal dismissed. Three-month compliance period ended on 2 November 2019.
16/0022 Land north of Main Road Taddington	Erection of a building	23 January 2020 – Appeal dismissed with variation to the enforcement notice requirements. Three month compliance period for removal of building ended on 23 April 2020.

11. Workload and performance

12. This section of the report summarises the Monitoring & Enforcement Team's performance over the last year. Our main performance target in the Development Management Service Plan is to resolve 120 breaches of planning control. In the year ending 31 March 2020 we resolved 140 breaches – significantly exceeding our target. The number of new breaches found was 197, almost unchanged from 2018/19. The number of outstanding breaches at the end of the year increased from 592 (on 31 March 2019) to 649.

13. We have continued our strong performance on dealing with enquiries over the last year. 84% of enquiries have been investigated within 30 working days against a target of 80%. The number of enquiries received saw a slight year on year reduction from 491 to 480 and the number of enquiries outstanding at the end of the year decreased from 88 to 75.

14. The table below summarises the position at year end (31 March 2020). The figures in brackets are for the previous year (2018/19).

	Received	Investigated/Resolved	Outstanding
Enquiries	491 (400)	486 (467)	75 (88)
Breaches	197 (199)	140 (151)	649 (592)

Summary of activity (April – September 2020)

15. Notices issued

16/0118 Brackenburn Riddings Lane Curbar	Non-compliance with conditions for replacement dwelling – erection of gates/gateposts and brown stain finish to window frames	Enforcement Notice issued 12/05/2020 - Due to come into effect 19 June 2020 but appeal lodged
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17/0134 Land at Former Whitelow Mines Bonsall	Use of land for motorcross scrambling	Enforcement Notice issued 29 June 2020 - due to come into effect 21 August 2020 but appeal lodged
19/0218 Home Farm Main Street Sheldon	Excavations, laying of concrete base and construction of walls	Temporary Stop Notice issued 25 September 2020 – ceases to have effect 23 October 2020

16. Appeals determined

14/0583 Land at Bottle Croft Main Street Chelmorton	Non-compliance with conditions requiring (a) removal of building (temporary dwelling) within two years; and (b) reinstatement of the site to its former condition	23 July 2020 – Appeal dismissed – six-month compliance period for removal of building ends on 23 January 2021
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17. This section of the report summarises the Team’s performance over the last two quarters. For the year 2020/21 we increased our annual performance target for resolving breaches of planning control from 120 to 150. In the first six months (ending 30 September 2020) we resolved 40 breaches, so there is a high risk that we will not meet our target at the end of the year. As mentioned above, our performance since 1 April 2020 has been significantly affected by the ongoing vacancies as well as the restrictions and working arrangements in place due to the Covid-19 pandemic. The number of new breaches found was 61 and the number of outstanding breaches at the end of September increased from 592 (on 31 March 2020) to 670

18. Despite the considerable difficulties we have faced since 1 April 2020 we have continued our strong performance on dealing with enquiries. 77% of enquiries have been investigated within 30 working days against a target of 80%. The number of enquiries received was 294 and the number of enquiries outstanding at the end of the period increased from 75 to 113

19. The table below summarises the position for the period between April and September 2020.

	Received	Investigated/Resolved	Outstanding
Enquiries	294	251	113
Breaches	61	40	670

20. Breaches Resolved

17/0110 Connaught House Summer Cross Tideswell	Breach of condition requiring erection of boundary wall.	Planning permission granted for fence
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18/0041 Gleadtail Quarnford	Veranda extension on front, erection of sheds on adjoining land and change of use of agricultural land to garden	Extension and sheds removed and use of land as garden ceased
19/0061 Land adjacent to Woodstone House Froggatt Edge Calver	Untidy Land - Portaloo and metal barrier	Portaloo and metal barrier removed and land tidied
19/0105 Co Op Store Bradwell	Breach of Conditions 10,11,12 and 23 of NP/DDD/1017/1104	Conditions discharged
19/0023 Merrymeet Back O Th Brook Waterfall Waterhouses	Breach of condition re parking for holiday units approved under NP/SM/0206/0130 and NP/SM/0807/0739	Not expedient to take enforcement action
19/0066 Land adjacent Green Farm Main Road Biggin	Installation of BT telecommunications equipment housing	Not expedient to take enforcement action
16/0144 Rowan Barn Long Lane Wardlow	Creation of vehicular access	Not expedient to take enforcement action
15/0021 Backdale Quarry Hassop Rd Hassop	Use of former quarry for storage of reclaimed building materials and a haulage business	Uses ceased - enforcement notices complied with
16/0109 51 Tithe Barn Close Tideswell	Erection of timber cabin and canopy over a hot tub	Cabin and canopy removed
16/0134 Dale Brook Farm Baslow Road Eastmoor Chesterfield	Erection of horse shelter/stable	Immune from enforcement action
18/0012 Dale Brook House Baslow Road Eastmoor Chesterfield	Alterations to dwelling and erection of stables	Retrospective planning permission granted

20/0004 15 Lowside Close Calver	Non-compliance with approved plans for erection of extension	Retrospective planning permission granted
19/0184 Bank Vale Croft Bank Vale Road, Hayfield	Erection of pergola and porch	Immune from enforcement action
19/0174 Unthank Lane Farm Unthank Lane Holmesfield	Use of land as campsite	Use ceased
16/0133 The Homestead Unnamed Section Of A623 From Housley Road To Long Lane Foolow	Static caravan and erection of gate and shed	Caravan, gate and shed removed
19/0180 Ridge Farm Bottom of Moor Longnor	Siting of trailer bodies on agricultural land	Trailer bodies removed
19/0060 Pedley House Pedley Hill Rainow	Erection of veranda	Veranda altered to comply with permitted development rights
17/0171 Hawthorn Cottage Weags Bridge Road Grindon	Erection of agricultural building and dog kennel and re-surfacing of menage	Retrospective planning permission granted
18/0077 Dains Mill, Roach Road, Upper Hulme	Surfacing of section of access track	Not expedient to take enforcement action
20/0033 Brick Field Cottage, Miers Lane Birchover	Erection of stable block	Retrospective planning permission granted
19/0025 Rutland Antique Centre Bakewell	LISTED BUILDING – Display of advertisement signs	Advertisement signs removed and permission for alternative scheme granted

19/0202 Bell House Uppertown Bonsall	Demolition of wall in Conservation Area	Wall reinstated
20/0077 44 Burton Edge Bakewell	Use of outbuilding as holiday unit in breach of condition	Use ceased
19/0157 Stanley Farm Chunal Glossop	Occupation of former barn as permanent dwelling in breach of s106 legal agreement	Use ceased
19/0035 Newlands Farm Coplowl Dale Near Bradwell	Untidy land – scrap vehicles, tyres and building materials	Land cleared
11/0165 The Old Chapel Ible	LISTED BUILDING - Alterations and extension	Building de-listed
19/0195 Springhill House Unnamed Section Of C90 From Long Lane To B6049 Priestcliffe Ditch	Extension to dwelling and remodelling of external appearance of building	Retrospective planning permission granted
20/0075 Rose Cottage Bradshaw Lane Foolow	Removal of stone boundary wall in Conservation Area	Retrospective planning permission granted
14/0354 New House Farm The Brund Sheen	LISTED BUILDING - Double-glazed sashes to rear	Insufficient evidence of breach
10/0120 Land adjacent to Calver Village Hall Main Street Calver	Storage of stone on agricultural land	Storage of stone ceased – enforcement notice complied with
20/0039 Land at Sherriff Wood/Leam Wood Leam Grindleford	Construction of hardstanding for forestry operations	Permitted development

14/0472 1 Dale Cottages Litton Buxton	Change of use of garage to holiday let	Use ceased
20/0029 Field 300m North of Martinslow Farm Martinslow Lane Winkhill	Construction of track on agricultural land	Consent granted for access track in association with agricultural building
20/0028 Lea House Rocester Lane Waterhouses	Erection of extension (garden room)	Retrospective planning permission granted
19/0124 Eyre Arms Hassop Road Hassop	Pizza van trading from the pub car park	No breach of planning control – ancillary to pub
19/0163 Land to south of Shutts Lane Bakewell	Implementation of permission for 2no. rugby pitches and erection of storage and welfare building in advance of complying with condition 3 attached to NP/DDD/0917/0934 and NP/DIS/0419/0324	Condition complied with
20/0030 Land north of Leek Road Between Hardingsbooth Farm and Barrow Moor Longnor	Construction of an access track	Retrospective planning permission granted
20/0044 Castle Way Crowdicote Buxton	Slate roof on conservatory in breach of condition requiring glass roof	Section 73 application for variation of condition approved
15/0093 Lower Gotham Parwich Lane Pikehall	LISTED BUILDING – Installation of window frames	Window frames replaced in accordance with listed building consent
20/0106 Land adj to Hillcrest, Stanedge Rd, Bakewell	Removal of boundary wall and laying of hardsurfacing	Duplicate record – merged with 20/0105