

8. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2021 (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 2020).
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

17/0042 Land near Coombes Tor West of Cown Edge Farm Glossop	Erection of two masts, and associated telecommunications apparatus	Enforcement Notice issued 14 October 2020 – came into effect 27 November 2020 – compliance dates 27 November 2021 (dismantle masts and remove apparatus); 27 December 2021 (remove all items/debris)
19/0218 Home Farm Main Street Sheldon	Excavation of the land and construction of foundations and walls	Enforcement Notice issued 16 October 2020 – due to come into effect 20 November 2020 but appeal submitted
19/0218 Home Farm Main Street Sheldon	Excavation of a void, laying of a concrete base and construction of walls, and any engineering of building operations carried out as part of that activity	Stop Notice issued 16 October 2020 – came into effect 23 October 2020

16/0163 Land at Five Acre Field Edge Top Road Longnor	Erection of a Building, used for storage, as a workshop and for welfare	Enforcement Notice issued 21 October 2020 – came into effect 11 December 2020 – compliance dates 11 April 2021 (demolish building), 11 May 2021 (remove materials and restore land)
--	---	---

6. Breaches resolved

15/0066 Heathy Dale Tideswell	Change of use of agricultural land to garden	Use ceased
18/0040 Blanche Meadow Farm Parwich	Erection of timber summerhouse	Not expedient to take enforcement action
20/0058 3 Washpool Cottages Rainow	Groundworks and construction of a raised terrace	Terrace reduced in height – no breach of planning control
19/0031 Land at Hope Mount Hope Road Alstonefield	Siting of storage container	Not expedient to take enforcement action
19/0033 4 Edinboro Cottages Clough Road Wildboardclough	Construction of hardstanding	No breach of planning control
14/0348 Standhill Farm Beggartway Lane Great Longstone	Widening of access and creation of new access and track	Immune from enforcement action
14/0439 Upper Damgate Farmhouse Stanshope	LISTED BUILDING – Installation of two rooflights, satellite dish, windows and flue	Listed building consent granted
16/0040 Sunnyside Litton Dale Litton	Erection of carport	Immune from enforcement action
18/0078 Haddon Field Alport Lane	LISTED BUILDING – Installation of damp proof course, floors and flues	Listed building consent granted

Alport 19/0178 The Donkey Sanctuary Newton Farm Flagg	Erection of two field shelters	Shelters removed
14/0591 Land at Mlxon Mines Onecote Leek	Erection of building and associated ground works	Combined with 12/0113
18/0032 Dale Haulage Pits Lane Parwich	Erection of concrete retaining wall	Not expedient to take enforcement action
19/0161 The Cottage Main Road Wensley	Erection of building	Planning permission granted
20/0013 Hassop Hall Longreave Lane Hassop	LISTED BUILDING – Non-compliance with conditions requiring details to be agreed and removal of internal plaster finishes	Listed building consent granted and conditions discharged
19/0125 Newburgh Engineering Co Ltd Netherside Bradwell	Breach of condition 45 (species protection plan) of NP/DDD/0815/0779 – Erection of 55 dwellings etc.	Condition discharged
15/0109 Walston Sherwood Road Tideswell	Erection of garage and creation of access	Immune from enforcement action
15/0115 8 Diggle Mil Saddleworth	Erection of shed	Immune from enforcement action
16/0092 6 Diggle Mill Saddleworth	Construction of raised platform	Raised platform removed
16/0053 The Swan Inn Macclesfield Road Kettlethulme	Installation of flue	Flue removed

17/0029 Diggle Mill House Saddleworth	Untidy land – tipping of building materials and general waste	Land cleared and restored
20/0050 Land north of Torgate Farm Macclesfield Forest	Erection of buildings and construction of access track	Combined with 19/0120
09/0095 Moor Edge New Road Bamford	Engineering operations involving re-profiling of land and storage of spoil	Resolved by grant of planning permission
08/0060 Pewitt House Owler Bar Sheffield	Untidy land – building materials on agricultural land	Land cleared
10/0149 Land off Kishfield Lane Kettlethulme	Construction of hardstanding and access track	Immune from enforcement action
11/0055 Black Rabbit Barn Pindale Castleton	Breach of s106 agreement – increase in floorspace of affordable local needs dwelling	Increase in floorspace not material
20/0092 Horse Dale Farm The Dale Bonsall	Breach of condition 2 (requiring compliance with plans) of NP/DDD/0319/0255 – Erection of replacement building	External cladding extended to comply with plans
20/0057 Land rear of The Gables Eaton Hill Baslow	Use of agricultural land for recreational purposes	Not a material change of use
20/0122 Black Edge Dove Holes Buxton	Fixed wireless communications mast and antenna	Immune from enforcement action
20/0068 85 Ravensdale Cottages Cressbrook	LISTED BUILDING – Internal alterations to create additional bedroom	Listed building consent granted
14/0122 The Rectory Church Street Eyam	Breach of condition 3 (erection of boundary wall) of NP/DDD/0609/0502 – Extension of surgery car park	Wall constructed – condition complied with

20/0009 4 Bank Cottages Hayfield Glossop	Erection of first floor balcony with glass balustrade	Planning permission granted on appeal
20/0115 Wheelwright Cottage 4 Main Road Taddington	Change of use of agricultural land to residential garden	Use of land is lawful
20/0109 1-3 Market Place Bakewell	Installation of two extraction grilles	Planning permission granted
18/0113 Hilltop Cottage Slaley Bonsall Matlock	Erection of timber outbuilding	Immune from enforcement action
11/0040 Twitchill Farm Bowden Lane Hope	Use as forestry contractor's depot and wood processing/firewood production	Not a material change of use – personal use only
15/0081 10 Bradwell Head Road Bradwell	Erection of porch	Immune from enforcement action

Workload and performance

7. 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 150 breaches of planning control each year. In the latest quarter (October – December 2020) we resolved 36 breaches and so far this year (i.e. since 1 April 2020) 76 breaches have been resolved. Although there has been a big increase in the number of cases resolved compared to the previous two quarters we are very unlikely to meet our annual target. As referred to in the previous report to Committee in October 2020, our overall performance since April has been significantly affected by ongoing vacancies in the team as well as the restrictions and working arrangements in place due to the Covid-19 pandemic.
8. In the latest quarter, 77% of enquiries were investigated within 30 working days, which is just below our performance target of 80%.

	Received	Investigated/Resolved	Outstanding
Enquiries	96 (164)	90 (183)	125 (119)
Breaches	31 (45)	36 (24)	665 (670)