

13. MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2021 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last year (April 2020 – March 2021) as well as information about the breaches of planning control we have resolved and other activities in the latest quarter (January – March 2021).
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 Planning 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 Planning, 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 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 and 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. In March 2014 we published our Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be reported to the Authority, what matters may or may not be investigated and our priorities for investigation and action. It also outlines the tools that are available to us to resolve any breaches. The Local Enforcement Plan is available on the Authority's website.
5. Team Resources – In the quarterly report which was considered by the Planning Committee in October 2020, details of three long-term vacancies in the Monitoring and Enforcement Team and the difficulties experienced in recruiting were set out. In summary, two full-time posts (one of these being permanent and the other a 2-year temporary contract) and a permanent part-time (2.5 days per week) post had been vacant for many months. In the case of the permanent full-time post, this had become vacant in February 2020, although the previous postholder had been absent since October 2019.
6. Following a further recruitment process, the permanent full-time post of Monitoring and Enforcement Officer has recently been filled by Fiona Todd. Fiona was previously employed by the Authority as a part-time Planning Liaison Officer. She had also been working part-time in the Monitoring and Enforcement Team over the last year. Fiona's main focus is on investigating enquiries and dealing with breaches of planning control in the southern part of the National Park.
7. The temporary contract post, which was vacated in April 2020 with a year left to run, will not be filled as the funding is no longer available. We will, however, be looking to fill the permanent part-time vacancy with a focus on casework relating to listed buildings.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2020-21

8. 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 Appeal dismissed 5/10/2020. Compliance period ends 5/04/2021.
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 21/08/2020 but appeal lodged
19/0218 Home Farm Main Street Sheldon	Excavations, laying of concrete base and construction of walls	Temporary Stop Notice issued 25/09/2020 – ceased to have effect 23/10/2020
17/0042 Land near Coombes Tor Glossop	Erection of two masts, and associated telecommunications apparatus	Enforcement Notice issued 14/10/2020 – came into effect 27/11/2020 – compliance dates 27/11/2021 (dismantle masts and remove apparatus); 27/12/2021 (remove all items/debris)
19/0218 Home Farm Main Street Sheldon	Excavation of the land and construction of foundations and walls	Enforcement Notice issued 16/10/2020 – due to come into effect 20 November 2020 but appeal lodged
19/0218 Home Farm Main Street Sheldon	Excavation of a void, laying of a concrete base and construction of walls, and any engineering or building operations carried out as part of that activity	Stop Notice issued 16/10/2020 – came into effect 23/10/2020
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 21/10/2020 – came into effect 11/12/2020 – compliance dates 11/04/2021 (demolish building), 11/05/2021 (remove materials and restore land)

20/0051 Land at Bull in the Thorn, Ashbourne Road, Hurdlow, Flagg	Breach of condition 4 of NP/DDD/0319/0256 – placing of camping pods, caravan used as manager’s accommodation and a mobile ablutions unit on the land	Enforcement Notice issued 12/01/2021 – came into effect 26/02/2021 – compliance date 26/04/2021 (removal of camping pods, caravan and ablutions unit)
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9. 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	Appeal dismissed 23/07/2020 – compliance date 23/01/2021 (removal of building)
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16/0118 Brackenburn Riddings Lane Curbar	Non-compliance with condition 4 (removal of pd rights) and 17 (agree scheme for timberwork finish) on NP/DDD/0913/0809 – construction of replacement dwelling. Gates and gateposts erected and windows stained brown	Appeal dismissed 5/10/2020 – compliance date 5/04/2021 (removal of gates/gateposts and windows painted white/cream)
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19/0189 Land south of Black Harry House, Wardlow	The erection of a dwellinghouse	Appeal dismissed 6/10/2020 – compliance dates 6/04/2021 (demolish building) 6/06/2021 (remove materials etc)
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17/0075 Land at ‘One Acre Wood’, Glossop Road, Little Hayfield	The erection of a dwellinghouse, construction of a hardstanding and change of use to a mixed use of residential and forestry.	Appeal dismissed 30/10/2020 – compliance dates 30/01/2021 (cease residential use) 30/04/2021 (demolish dwelling and remove hardstanding)
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Workload and performance

10. This section of the report summarises the team’s performance over the last year. Our main performance target in the Service Delivery Plan is to resolve 150 breaches of planning control over the year. This target was increased from 120 in the previous year as we had been performing above target and were fully staffed. We have resolved 128 breaches in the past year. Although this is below our new target, since March 2020 we have been significantly affected by the restrictions and working arrangements in place as a result of the Covid-19 pandemic and the ongoing vacancies in the team, as referred to in the introduction to this report. This particularly affected our performance in the first half of the year when we resolved just 40 breaches. Whereas, in the second half of the year we performed far better - resolving 89 breaches.

11. The number of new breaches found decreased from 197 in 2019/20 to 132 in 2020/21. As a result of our strong performance in the second half of the year the number of outstanding breaches at the end of the year saw only a marginal increase - from 649 to 653.
12. Despite the significant difficulties experienced over the last year we have maintained a good performance on dealing with enquiries. 75% of enquiries have been investigated within 30 working days against our target of 80%. The number of enquiries received has seen a year on year increase from 480, in 2019/20, to 529, in 2020/21. The net result is that the number of enquiries outstanding at the end of the year has increased from 75 to 145. Now that the long-term Monitoring and Enforcement Officer has been filled we would expect this number to reduce over the next year.
13. The table below summarises the position at year end (31 March 2021). The figures in brackets are for the previous year (2019/20).

	Received	Investigated/Resolved	Outstanding
Enquiries	529 (480)	459 (486)	145 (75)
Breaches	132 (197)	128 (140)	653 (649)

14. Breaches resolved in the latest quarter (January – March 2021)

14/0545 Stanton Old Hall Congreave Stanton-in-the- Peak	Listed building - Works within the curtilage, comprising part demolition of curtilage wall, deposit of soil for landscaping and excavations	Planning permission and Listed Building Consent granted
19/0208 Bent Head Farm, Gun End, Heaton	Construction of two fishing ponds	Planning permission granted
11/0053 Riverside Barber Booth Edale	Extension of domestic curtilage and erection of timber decking	No change of use and timber decking is immune from enforcement action
20/0138 Throstle Bank Farm Stubbins Lane Chinley	Re-construction of fire-damaged building	Planning permission not required – no breach

20/0125 Pippin Dell The Square Eyam	Breach of condition on NP/DDD/1118/1082 (erection of garage) – requires non-opening window to be installed.	Planning permission granted
20/0073 Station Road Garage Station Road Bamford	Untidy land	Not expedient to take enforcement action
11/0015 Home Farm Sheldon Bakewell	Engineering operations, consisting of the excavation of the land	Temporary Stop Notice issued July 2014 – work ceased – further works Aug 2020 – file closed and combined with 19/0218
15/0132 Holme Hall Holme Lane Bakewell	Erection of gates	Immune from enforcement action
17/0137 44 New Close Eyam	Retaining wall and steps	Planning permission granted
20/0095 Manor House Farm School Road Wetton	Extension to horse manege	Planning permission granted
20/0123 Rivendale Lodge Retreat, Buxton Road, Alsop-en-le-Dale	Breach of conditions on NP/DDD/0219/0137 - position of treehouses not in accordance with approved plan	Not expedient to take enforcement action
21/0008 Manor House Farm School Road Wetton	Breach of conditions on NP/SM/0920/0866 (Construction of manege) relating to floodlighting being on from 6am to 8pm	Not expedient to take enforcement action
21/0005 Land near Trees House The Causeway Butterton	Erection of field shelter/log shed	Not expedient to take enforcement action
16/0068 1 Granby Croft Bakewell	Change of use of offices to dwelling	Immune from enforcement action

18/0009 The Barn, Sparrowgreave Farm Wincle	Breach of agricultural occupancy condition	Planning permission granted for removal of agricultural occupancy condition
18/0018 White Cottage Unnamed Road From Rock Lodge Farm To Priestcliffe Road Priestcliffe	Trees felled in Conservation Area	Not expedient to take action – self-seeded trees of limited amenity value
19/0044 Butts View Bakewell	Erection of bollards adjacent to listed building	Planning permission granted
20/0065 6 Wye Bank Grove Bakewell	Breach of condition on NP/DDD/0319/0304 (Erection of two extensions) – window finish not as specified	Permission granted for variation of condition
17/0172 Highfields Farm Ashbourne Road Fenny Bentley	Erection of safari tents and replacement of touring caravans with static park homes	Safari tents removed. Replacement of touring caravans not a change of use
14/0600 Thyme to Taste Cafe Continental Rutland Annexe Bakewell	Listed Building – Display of advertisement sign	Sign removed
17/0011 White Shaw Farm Heaton Rushton Spencer	Listed Building - replacement front door and blocking up of door opening in barn	Front door replaced with approved design and barn doorway re-opened
20/0059 Hazel Barrow Back Of The Rocks Upper Hulme	Siting of two shepherds huts	Shepherds huts removed
19/0183 Hazel Barrow Back Of The Rocks Upper Hulme	Breach of conditions on NP/SM/0613/0466 (Campsite and conversion of outbuildings to holiday units) – campsite operating outside of specified period	Conditions complied with

20/0064 Youlgrave Bowling Club Alport Lane Youlgrave	Erection of floodlights	Planning permission granted
21/0027 Holly Grove Farm Newtown Longnor	Storage of logs, coal and machinery on agricultural land	Duplicate record – see 21/0028
20/0002 Former Water Treatment works Mill Lee Road Low Bradfield	Breach of conditions on NP/S/0914/1007 (Conversion of redundant water treatment works into 16 apartments) - creation of two access ramps into lagoons and dumping of waste material.	Planning permission granted for drainage scheme and landscaping
20/0032 Land South Of Bakewell Show Office Agricultural Way Bakewell	Extension of car park	Planning permission granted
20/0118 Top Farm Knowsley Hill Longnor	Erection of building	Planning permission granted
20/0034 Land North of Thirkelow Brandside Buxton	Erection of building	Planning permission granted
17/0115 High Peak Garden Centre Bamford Hope Valley	Erection of new shed and poly tunnels	Planning permission granted
17/0140 The Chantry House North Church Street Bakewell	Listed Building – removal of lamp	Lamp originally installed without LBC – no requirement to reinstate
15/0073 Riverside Herb Centre Castleton Road Hathersage	Change of use of building to bicycle repair business	Not expedient to take enforcement action

17/0057 West Croft Coldwell End Youlgrave	Erection of garage and creation of access drive	Not expedient to take enforcement action against garage – access drive does not require planning permission
14/0592 Midco Bath Street Bakewell	Display of advertisement signs	Signs benefit from deemed consent
15/0054 Land Adjoining Waterloo Hotel Taddington	Erection of two buildings	One building resited to agreed location – other building is immune from enforcement action
16/0047 Land off Farwall Lane Calton	Erection of building and siting of caravan	Planning permission granted for building. Caravan is not a change of use so no breach
15/0131 The Hermitage Leadmill Hathersage	Erection of summerhouse	Not expedient to take enforcement action
17/0123 Agricultural Barn Opposite Bollands Hall Butterton Moor Bank Butterton	Alteration of a vehicular access on to a classified road	Not expedient to take enforcement action
18/0114 Askew Cottage Slaley Bonsall	Erection of a summer house and installation of an oil tank	Immune from enforcement action
08/0052 The Coach House Bennetston Hall Sparrowpit	Extension and alteration of building	Extension removed – Enforcement Notice complied with
15/0037 Lapwing House Longnor	Breach of condition 18 on NP/SM/0305/0293 (Erection of garage and workshop) – garage used as a holiday let	Not expedient to take enforcement action

16/0013 Burton Closes Hall Care Centre Burton Close Drive Haddon Road Bakewell	Listed Building - installation of floodlighting	Not expedient to take enforcement action
17/0151 Baslow Insurance Services Blake House Bath Street Bakewell	Display of advertisement signs	Not expedient to take enforcement action
17/0177 Brambledene Stanton Lees Stanton	Installation of biomass boiler	Immune from enforcement action
18/0049 Hill Top Farm Rabbit Bank Wincle	Non-compliance with approved plans on NP/CEC/0515/0467 (Extension of livestock building) – elevation not sheeted	Not expedient to take enforcement action
18/0028 Land at Holywell Lane Youlgrave Bakewell	Erection of building	Not expedient to take enforcement action
19/0143 Upper Green House Green Lane Calton	Creation of vehicular access	Non-classified road so no planning permission required
18/0185 Barracks Farm Beresford Lane Hulme End	Extension of approved caravan site onto adjoining land	No evidence of a current breach
19/0094 Greystones Off A515 Flagg	Use of agricultural land as campsite	Site is licensed – no breach
20/0056 The Showground Agricultural Way Bakewell	Siting of residential caravans	Use ceased

19/0067 Land adjacent High Peak Trail, Green Lane, Pikehall	Siting of residential caravan	Duplicate case
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