

14. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2015 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team in the last quarter (January to March 2015). Enforcement action is discretionary and Government advice in the National Planning Policy Framework (NPPF) is that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. The majority of breaches are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action, whereas delegated authority not to take formal action is held by the Director of Planning and Planning Team Managers.

The NPPF 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 the Authority published its 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.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices have been issued in the following cases this quarter:

| | | |
|--|---|--------------------|
| 14/0575 Land adjoining The Gables Eaton Hill Baslow | Installation of a steel container | Enforcement Notice |
| 15/0047 Land Opposite Grouse Inn Chunal Glossop | Mixed Use of Land for agriculture and clay pigeon/clay target shooting | Enforcement Notice |
| 11/0200 Land South of Church Lane Peak Forest | Steel container, use of land for storage, creation of hardstanding and parking of vehicles | Enforcement Notice |
| 12/0075 Land at Nether Hay Upper Hulme Leekfrith | Mixed use of land for agriculture and storage of a chalet-style caravan, associated hardstanding and access track | Enforcement Notice |

(b) The following breaches have been resolved this quarter:

| | | |
|---|---|--|
| 10/0224 Land North West of Pewitt Farm Near Owler Bar | Erection of building | Immune from enforcement action |
| 14/0473 Undercliffe Cliff Bottom Stoney Middleton | Breach of conditions on NP/DDD/0213/0100 | Non-material Amendment approved |
| 14/0589 Somerset House Litton | Change of use from garage to holiday accommodation | Planning permission granted |
| 14/0482 The Old School House Newtown Longnor | Breach of conditions 2 , 5, 7, 10, 11 and 12 on NP/SM/0211/0086 | Non-material Amendment approved & planning permission granted |
| 10/0107 Lee Cottage Farm Tissington | Erection of six timber buildings for pheasant rearing | Buildings removed |
| 14/0578 West Lodge Monyash Road Bakewell | Replacement gate piers | Planning permission granted |
| 11/0218 The Caravan Hurdlow Grange Farm Hurdlow | Siting and residential use of a static caravan | Case combined with 07/0042 |
| 15/0027 Glen Cottage Riddings Lane Curbar | Construction of dwelling | Planning permission granted |
| 15/0014 Steeple Barn Main Road Eyam | Installation of replacement windows | Planning permission granted |
| 13/0068 Nettlebeds Farm, Wincle | Change of use of shippon to dwelling | Planning permission granted |
| 15/0004 Whitfield Barn Whitfield Lane Middleton by Youlgrave | Breach of condition 4 on NP/DDD/0811/0762. Containers not removed | Containers removed |

| | | |
|---|---|---|
| 07/0072 Burntcliffe Allgreave Near Macclesfield | Erection of building and use of Land for storage | Enforcement notices complied with – Building removed and storage use ceased |
| 14/0588 Penny Tree Farm Alstonefield | Siting of caravan for use in connection with industrial unit | Caravan removed |
| 15/0050 Stiff Close Longnor | Non-compliance with approved landscaping scheme | Landscaping carried out |
| 13/0130 Knotlow Farm Flagg | Use of land as camping and caravan site (including use of building for facilities), siting of two static caravans and use as holiday lets | Planning permission granted for camping & caravan site, static caravans removed |
| 12/0137 3 The Chase Coldwell End Yougrave | Erection of raised decking | Not expedient to take enforcement action |
| 14/0559 1 Hall Bank Cottages Hall Bank Hartington | Demolition and rebuild of lean-to side extension | Planning permission granted |
| 08/0125 Former Barn opposite 98 Old Road, Tintwistle | Excavation of land at rear | Planning permission granted for conversion of building to dwelling |
| 10/0032 Bank House Farm Bankside Wharncliffe Side Sheffield | Erection of two stables | Immune from enforcement action |
| 14/0594 Banks Farm West End Elton | Erection of shed in breach of condition 15 (permitted development rights removed for ancillary buildings) on NP/DDD/0912/0884 | Shed relocated to approved position |
| 13/0013 Land opposite: Anchor Inn Tideswell | Unauthorised advertisement. | Advertisement removed |
| 14/0476 Bottom Farm Wheston Tideswell | Excavation of hillside/field | Land reinstated |

05/0044
Gurdall Cottage
Main Road
Wensley

Occupation of dwelling in breach of
holiday occupancy condition

Lawful Development
Certificate granted

13/0128
Sitvel
The Hills
Bradwell

Creation of track

Planning permission
granted

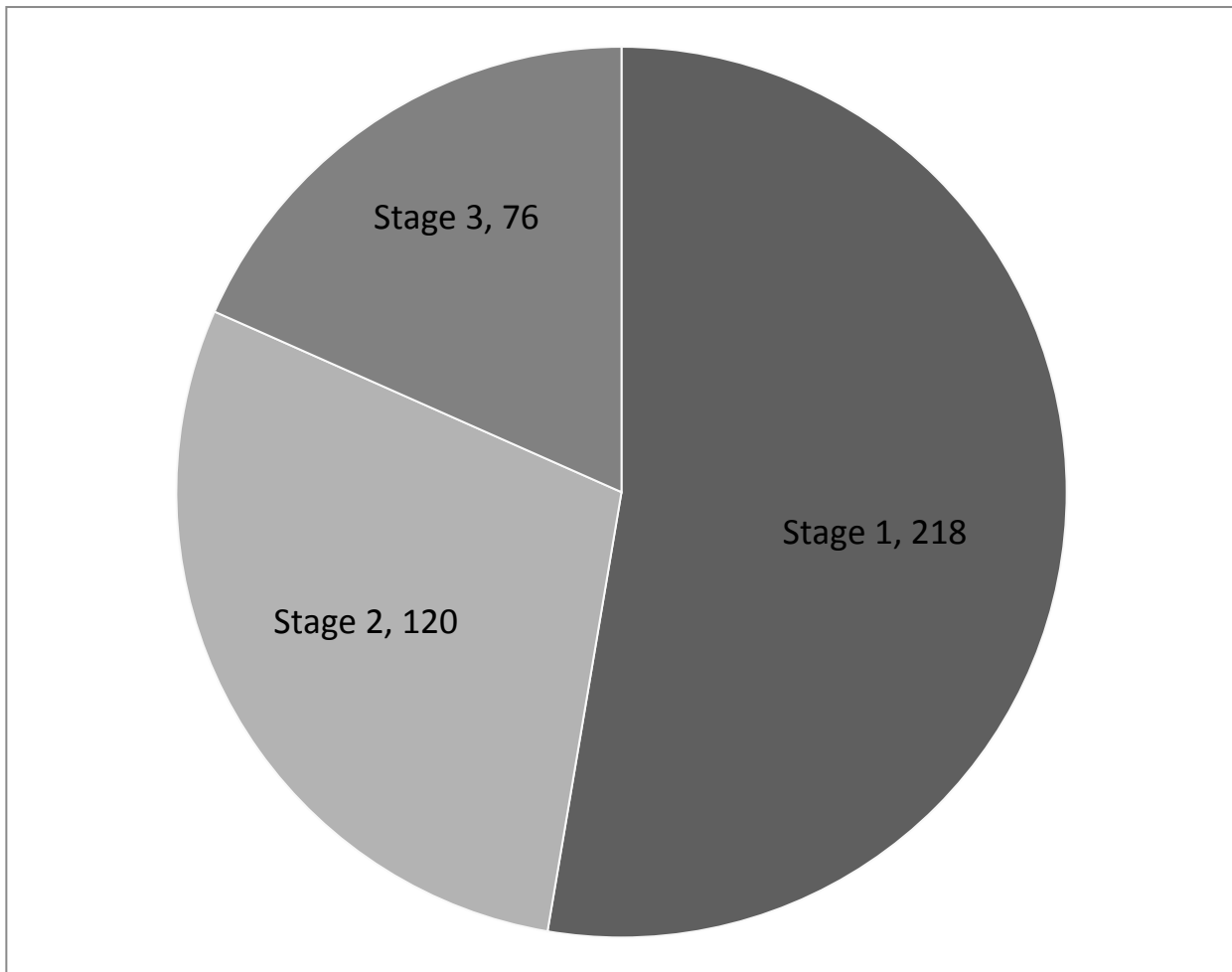
Overview of Caseload

The following table provides an overview of the Team's caseload. Figures for the preceding quarter are shown in brackets :

| | Received | Investigated/Resolved | Outstanding |
|-----------|-----------------|------------------------------|--------------------|
| Enquiries | 114 (90) | 93 (71) | 73 (56) |
| Breaches | 42 (22) | 25 (24) | 421 (396) |

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage it is expected that cases will be progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we intend to make more use of Planning Contravention Notices and give a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Stage 1 a delegated decision not to take enforcement action will be made at the outset and we will not normally devote resources to seeking the submission of an application.

The following chart shows the outstanding breaches broken down into each of the three stages.



High Profile Cases

The following cases are those which are considered to be of particular interest to Members due to the nature of the breach(es) and/or the high level of community concern.

| Case Reference | Breach | Current Position |
|---|--|---|
| 05/0087 New Mixon Hay Farm Onecote | Use of land for storage of building materials, vehicles, scrap etc | Site meeting held May 2015. Owner being encouraged to continue clearing stored materials. |
| 06/0010 Midfield Kettleshulme | Storage of vehicles, vehicle parts, building materials and equipment | Enforcement notice in place. Owner is in process of clearing site. Regular site meetings being held to check on progress. |
| 08/0104 Fernhill Cottage, Hollow Meadows | Excavations and re-profiling works and erection of walls/buildings | Enforcement notice in place. Discussions ongoing with new agents over submission of application for access drive etc. |
| 11/0015 Home Farm Sheldon | Excavations at rear of guest house and mixed use as guest house and tea room | Enforcement notice in relation to tea room use appears to be complied with. Discussions ongoing over a suitable |

| | | |
|---|--|---|
| | | scheme for extension at rear following refusal of application in November 2014. |
| 12/0118 Land and Buildings East of Lane End Farm, Abney | Non-compliance with conditions attached to permission for conversion of barns to holiday accommodation | Officers seeking meeting with owner's agent. |
| 15/0057 Land on Midhope Moors Near Langsett | Creation of track | Letter sent to landowner June 2015. |

The following cases have previously been reported to the Committee on a quarterly basis with an update on the current position. These cases were initially identified as 'high priority', normally due to the significant landscape impact and/or level of public concern caused. For the reasons stated below, however, it is no longer considered necessary to report these cases to Committee on a regular basis. It is important to note that this does not mean that the cases will be closed or that no further action being taken. Officers will continue to seek resolution of the outstanding issues and will consider formal action if the situation materially worsens.

| | | |
|--|---|--|
| 10/0073 Tor Farm Middleton by Youlgrave | Untidy Land | This was originally a 'high priority' case due to the storage of around 60-70 vehicles in the orchard. Following formal enforcement action the number of vehicles was eventually reduced to an acceptable level. A relatively small amount of scrap material remains near the house although the tenant is continuing to clear this. |
| 06/0015 Middle Street Farm Monyash | Agricultural/general contracting business | This was added to the 'high priority' list due to the very prominent storage of vehicles, equipment and materials on land surrounding the farmstead. This open storage has since been greatly reduced and most of the remaining items are now kept within a screened yard. Officers are working with the owner on an appropriate regularising application for the business. |
| 07/0084 Five Acres Farm Wardlow | Parking and maintenance of heavy goods vehicles | When this was included on the list of 'high priority' cases up to 8 heavy goods vehicles and 10 trailers were being parked and maintained. An enforcement notice is now in place and the number of vehicles/trailers has been significantly reduced. Tree planting carried out by the owner now provides a good level of screening. An appeal against refusal of planning permission for two vehicles is currently being considered. |
| 11/0119 Shop Farm Brandside | Storage of caravans, vehicles etc | In 2010, the Authority took direct action to remove a very significant quantity of waste/scrap that was being stored on the |

Near Buxton

land. Since then the owner has brought a number of caravans and vehicles back onto the land. However, the situation has not materially changed over the last two years and the visual impact is much less than it was prior to the action in 2010.
