

13. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 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 (April – June 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, 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. It is available on the Authority's website.

RECOMMENDATION:

That the report be noted.

Summary of Activity

5. Notices issued

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| 21/0034 Land at Thornbridge Hall Ashford in the Water Bakewell | Erection of a building, construction of driveways and a car park, laying of hardsurfacing and erection of fences (including gateways and stiles) | Enforcement Notice issued 25 May 2020 – due to come into effect 5 July 2021 – Notice withdrawn 15 June 2021 and replacement Notice issued (see below) |
| 15/0028 Land at 'The Stone Yard' On the junction of Stanedge Road and Sheldon Lane Bakewell | Change of use from an architectural salvage and storage yard (B8) to importation, processing and sale of stone (B2) and deposit of waste materials generated by the unauthorised use | Enforcement Notice issued 9 June 2021 – due to come into effect 23 July 2021 – 6 month compliance period for cessation of use and removal of plant, machinery, portacabins, shipping containers etc and 8 month compliance period for removal of deposited waste stone and silt material and restoration of |

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| 21/0034 Land at Thornbridge Hall Ashford in the Water Bakewell | Erection of a building, construction of driveways and a car park, laying of hardsurfacing and erection of fences (including gateways and stiles) | the land Enforcement Notice issued 15 June 2021 – due to come into effect 23 July 2021 – 6 month compliance period for removal of building, driveways, car park, hardsurfacing and fencing (including gateways and stiles) and restoration of the land |
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6. Breaches resolved

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| 21/0029 Peppercorn House South Church Street Bakewell | Breach of condition 2 on NP/DDD/0218/0121 - Flue height not raised in accordance with approved plans. | Condition complied with |
| 21/0004 Leys Barn Slaley Bonsall | Alterations to agricultural building – possible change of use | No breach of planning control - Use ancillary to agriculture and installation of services is permitted development |
| 20/0012 Little Marnshaw Head Farm Marnshaw Head Barrow Moor Longnor | Erection of a garden shed | Not expedient to take enforcement action - Shed stained and planting carried out |
| 19/0046 Longnor Craft Centre Market Hall Market Place Longnor | Listed Building - Removal of 'Table of Tolls' sign. Installation of extractor flue, various internal works. | Sign replaced - flue altered and internal works completed as agreed |
| 17/0081 Dunnfield Queen Street Longnor | Untidy land – storage of household items | Items removed and land tidied |
| 17/0180 Big Marnshaw Head Leek Road Longnor | Change of use of ancillary barn to dwelling. Breach of Condition attached to Planning Permission NP/SM/0714/0705 | Condition complied with – use of barn ancillary to dwelling |
| 12/0064 Land south of Cliff Lane | Erection of stables | Building relocated in accordance with planning permission granted on |

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| Calver | | appeal |
| 17/0141 All Saints Church Church Lane Bakewell | Listed building – removal of gate | No breach – gate replaced 'like for like' |
| 16/0099 Needham Barn Main Street Chelmorton | Erection of fence – PD rights removed under NP/DDD/0607/0537 | Fence removed |
| 16/0096 Land adjacent at Bank House Town End Taddington | Breach of condition re external storage on NP/DDD/0611/0517 (Erection of agricultural implement store) | No evidence of current breach |
| 09/0049 Manor Farm Over Haddon Bakewell | Erection of stables and associated structures and change of use of land to equestrian | Retrospective permission for stables and use of land granted on appeal - other structures immune from enforcement action |
| 19/0069 Pitchings Farm Whitefields Lane Waterfall | Breaches of Conditions 11 (delivery times) and 12 (hours of operation) on NP/SM/1014/1059 (Change of use to yard/storage area for existing steel fabrication business) | No evidence of current breach |
| 18/0104 Chelmorton Low Chelmorton | Display of advertisement | Immune from enforcement action |
| 19/0099 3 Victoria Mill Buxton Road Bakewell | Erection of replacement car port | Retrospective permission granted |
| 21/0041 Johnson Lane Farm Johnson Lane Sheldon | Mobile home on agricultural land | Mobile home removed |
| 20/0119 Pethills Lane Farm Pethills Lane Winkhill Leek | Change of use of part of agricultural building to vehicle repair business | Retrospective permission granted |
| 19/0056 Rohan Ltd 5, King Street Bakewell | Display of advertisement | Not expedient to take enforcement action |

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| 18/0189 The Joiners Shop Tagg Lane Crowdicote | Surfaced driveway | No breach of planning control – existing driveway re-surfaced |
| 18/0117 Inglewood Burton Close Drive Haddon Road Bakewell | Excavations within garden | No breach of planning control – minor re-grading |
| 17/0159 Erica Cottage Butts Road Bakewell | Erection of fence | Not expedient to take enforcement action |
| 17/0116 Land at Long Rake Youlgrave | Laying of hardsurfacing | Not expedient to take enforcement action |
| 20/0091 Swiss House How Lane Castleton | Breach of condition 3 (noise mitigation) on NP/HPK/1019/1138 – change of use of guest house to guest house and public bar | Condition complied with |
| 10/0118 Bramley Dale Off Hassop Road Calver (Grid ref: SK 239 741) | Use of agricultural building for storage | Immune from enforcement action |
| 20/0079 Belmont Unnamed Road From Hope Road To Stonecroft Edale | Change of use from residential dwelling (C3) to commercial short-term holiday let | Use restricted to C3 |
| 16/0150 The Plough Inn New Road Bradfield | Display of advertisements | Advertisements removed |
| 13/0059 Land at Thornsett Lane, Birch Vale Hayfield | Untidy land – dilapidated caravan and other items | Caravan removed and land tidied |
| 21/0016 Butterton Moor | Construction of a track and fencing | Fencing removed – not expedient to take |

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| Bank Road Butterton | | enforcement action against track |
| 18/0030 Mill Wheel Field Off Dukes Drive Ashford-in-the- Water | Erection of stables | Not expedient to take enforcement action |
| 18/0096 Hill Crest House Bed And Breakfast Ilam Road Thorpe | Installation of rooflights | Not expedient to take enforcement action |
| 18/0070 Land opposite Knowsley Cross Farm Knowsley Hill Longnor | Storage of caravan | Not expedient to take enforcement action |
| 16/0023 Bank Top Farm Dig Lane Hartington | Residential caravan on agricultural land | Immune from enforcement action |
| 19/0191 The Levens Weags Bridge Road Grindon | Rebuilding of external steps, excavation of trench and possible change of use of agricultural land to garden | Steps and excavations granted planning permission – land reverted to agricultural use |
| 21/0055 Manor House Farm School Road Wetton | Breach of conditions 2 (landscaping) and 4 (use by occupants of Manor House Farm) on NP/SM/0920/0866 – extension to manage | Not expedient to take enforcement action |
| 20/0117 Bleak House Newtown Fawfieldhead | Subdivision of dwelling to form a holiday let | Lawful Development Certificate granted |
| 13/0150 Devonshire Buildings Sparrowpit | Residential caravan on agricultural land | Caravan removed |
| 13/0030 Five Clouds Upper Hulme | Erection of field shelter | Field shelter removed |
| 18/0146 Bank Top Farm Tagg Lane | Erection of agricultural building | Retrospective planning permission granted |

High Needham
Earl Sterndale

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| 19/0022 Caskinlow Farm Hartington | Erection of feed silo | Not expedient to take enforcement action |
| 19/0114 Joiners Arms Rutland Square Bakewell | Display of advertisements | Not expedient to take enforcement action |
| 19/0079 Mount Pleasant Elkstones Longnor | Conversion of garage to office, resurfacing and extension of drive/parking area and erection of dishes and antenna | Not expedient to take enforcement action |
| 19/0038 Tansy Hair and Beauty Rutland Square Bakewell | Listed building – display of advertisement | Not expedient to take enforcement action |
| 18/0033 Dingers Hollow Farm, Wildboarclough | Breach of conditions 7 (installation of external cladding) and 4 (permitted use for agriculture etc) on NP/CEC/1211/1296 – redevelopment of barn | Conditions complied with |
| 18/0142 White House Farm Main Road Wardlow | Use of land as camp site | Use ceased |
| 17/0046 Woodseats Farm Hollowford Road Castleton | Erection of agricultural building | Immune from enforcement action |
| 18/0090 Slack House Farm The Wash Chapel-En-Le- Frith | Installation of rooflights in curtilage listed building | Consent granted |
| 17/0149 The Green, The Hills, Bradwell | Erection of shed, tree house (with walkway) and associated structures | Shed, tree house and structures removed |
| 19/0026 Nether Hall Mill Lane Hathersage | Listed building – numerous internal and external alterations | Remedial works carried out in accordance with listed building consent |

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| 18/0152 Jadestone Burton Close Drive Bakewell | Extension of drive/parking area | Not expedient to take enforcement action |
| 19/0065 Lane House Farm Wincle | Erection of barn | Not expedient to take enforcement action |
| 19/0049 Hope Cottage The Butts Bakewell | Rebuilding and alteration of boundary wall | Not expedient to take enforcement action |
| 19/0086 Mazzi Restuarant The Square Hathersage | Installation of extractor flue | Not expedient to take enforcement action |
| 17/0131 Land near Smelters Cottage Hathersage | Erection of stables | Not expedient to take enforcement action |
| 21/0024 Dale Head Farm Main Road Flagg | Change of use of agricultural buildings to workshops and storage (B1/B8) | Retrospective planning permission granted |
| 15/0077 Bakewell Showground Coombs Road Bakewell | Use of the land for displays, events and exhibitions | Immune from enforcement action |
| 17/0094 Hob Hay Farm Elkstones Longnor | Residential caravan on agricultural land | Caravan removed |
| 17/0109 Cruck Barn Woodseats Farm Bradfield | Breach of Condition 1 (temporary roof covering to be removed and building refurbished) on LBC NP/S/1099/024 – structural alterations | Condition considered to be unenforceable |
| 16/0081 New House Farm Onecote Road Onecote | Change of use of land to mixed use of agriculture, manufacture, storage and distribution of timber products. Erection of extension to dwelling | Use immune from enforcement action - Not expedient to take enforcement action against extension |
| 17/0145 Hob Hay Farm Elkstones | Erection of conservatory and decking | Immune from enforcement action |

Longnor

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| 21/0001 Smelters Cottage Callow Bank Hathersage | Development not in accordance with planning permission NP/DDD/0915/0913 - Proposed conversion of house to form accessible holiday let accommodation | No breach of planning control - differences between approved and 'as built' development not material |
| 17/0173 Wye House Water Street Bakewell | Installation of air conditioning units | Air conditioning units removed |

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 (April – June 2021) we resolved 60 breaches so we are currently on track to meet or exceed our target. The number of breaches outstanding has fallen by 23 since the end of March and currently stands at 630 cases.
8. For enquiries, we have a performance target of dealing with 80% of enquiries within 30 working days. This involves carrying out an investigation (usually including a site visit) and coming to a conclusion on whether there is a breach of planning control. In the latest quarter, 75% of enquiries were dealt with within 30 working days, which is just below our performance target. However, we resolved 150 enquiries in the quarter which is well in excess of the figure for the previous quarter.

| | Received | Resolved | Outstanding |
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| Enquiries | 140 (139) | 150 (108) | 140 (145) |
| Breaches | 37 (41) | 60 (53) | 630 (653) |

Report Author – Andrew Cook