

12. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 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 (July – September 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. 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

21/0081 Charlotte Cottage Charlotte Lane Bradwell	Construction of a porch	Enforcement Notice issued 16 August 2021 – due to come into effect 8 October 2021 – 3 month compliance period for demolition and removal of porch
--	-------------------------	--

6. Breaches resolved

21/0029 Old Cottage East Bank Winster	Laying of stone slabs and construction of a stone bench	Not expedient to take enforcement action
20/0081 Beumaris Tower Hill Rainow	Alteration to a vehicular access onto a classified road.	Retrospective planning permission granted

14/0412 Greenwood Farm Sheffield Road Hathersage	Listed building – replacement door	Door altered in accordance with LBC
21/0061 South View Farm Main Street Sheldon	Partial conversion of outbuilding to residential dwelling	Immune from enforcement action
20/0063 The Naze Maynestone Road Chinley	Construction of access drive	Repair and maintenance of existing drive – no breach
21/0059 Land north of Kenslow Farm Friden Road Middleton by Youlgrave	Creation of vehicular access	Retrospective planning permission granted
19/0081 Ash Tree View Sheldon	Erection of agricultural storage shed	Retrospective planning permission granted
18/0042 The George Post Office Road Alstonefield	Listed building – removal of advertisement sign	Not expedient to take enforcement action
17/0176 Wildboar Inn Wincle	Use of land as campsite	Immune from enforcement action
18/0052 Pastures Gate Ilam Road Thorpe	Erection of building	Not expedient to take enforcement action
19/0193 400 Woodhead Road Holme	Storage of disused oil tank	Not expedient to take enforcement action
21/0040 Sycamore Lodge Ford Wetley Nr Onecote	Use of land/buildings as HGV operating base	Immune from enforcement action
20/0075 Rose Cottage Bradshaw Lane Foolow	Listed building – rebuilding of boundary wall	Retrospective LBC granted

21/0012 Stone Buildings Lathkill Farm Over Haddon	Erection of agricultural building	Retrospective permission granted
21/0032 4 Pickford Villas Monyash Road Bakewell	Change of use of dwelling to commercial holiday accommodation and erection of shelter over hot tub	Use ceased – shelter removed
21/0074 Heatherby Furnall Avenue Great Longstone	Erection of extension	Retrospective planning permission granted
21/0056 Moscar Farm Ashbourne Road Monyash	Erection of extension	Retrospective planning permission granted
20/0136 Gregory Croft Main Street Taddington	Erection of lean-to shed	Retrospective planning permission granted
19/0076 Folds Lane Farm Fernilee Whaley Bridge	Change of use of agricultural building to warehouse and distribution centre	Use ceased
21/0082 Alber House Wheston Bank Tideswell I	Breach of condition 8 (window to be obscure glazed) of NP/DDD/0820/0744 for erection of home office	Condition complied with – clear glass replaced with obscure glass
21/0039 Monyash Cottage Monyash Road Bakewell	Change of use of agricultural land to garden	Land used as wildflower meadow – no breach of planning control
21/0096 Old Glossop Clay Pigeon Shooting Shepley Street Old Glossop	Use of land for clay pigeon shooting	Use does not exceed 56 days as permitted by GPDO
16/0110 The Stables Fold Farm Chesterfield Road Beeley	Construction of parking area	Not expedient to take enforcement action

19/0054 Studio 10 Kitchen and Interior showroom 3 King Street Bakewell	Display of advertisement signs	Not expedient to take enforcement action
21/0075 Hey House Buxton Road Longnor	Replacement windows and alterations to lean-to	Not expedient to take enforcement action
21/0019 Highgate Farm Highgate Road Hayfield	Erection of field shelter	Shelter removed
21/0025 Raper Lodge /Conksbury Lodge Coalpit Lane Youlgrave	Erection of teepee	Teepee removed
21/0099 Old Elms Vicarage Lane, Ashford	Listed building – flagpole attached to outbuilding	Flagpole 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 (July – September 2021) we resolved 28 breaches which means that in the first half of the year we resolved a total of 88 breaches. So we are currently on track to meet or exceed our annual target.
8. The number of breaches outstanding has fallen by 10 over the quarter and currently stands at 620 cases. At the end of September 2020, the number outstanding was 670 so there has been good progress on reducing the overall caseload over the last year.
9. 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, 71% of enquiries were dealt with within 30 working days, which is below our performance target. It is likely that this is due to the current vacancies in the team.

	Received	Resolved	Outstanding
Enquiries	101 (140)	95 (150)	148 (140)
Breaches	18 (37)	28 (60)	620 (630)

Report Author: - Andrew Cook, Monitoring & Enforcement Team Manager