

11. MONITORING & ENFORCEMENT QUARTERLY REVIEW – FEBRUARY 2022 **(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 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. We have 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 harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. Formal action must also be proportionate with the breach of planning control and in the public interest.
4. 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. 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 our attention, what matters may or may not be investigated and our priorities 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

There have been no formal notices issued in this quarter.

6. Breaches resolved

20/0071 Hollowcowhey Farm Bank Lane Rainow	Conversion of barn into self-catering holiday accommodation	Retrospective planning permission granted
16/0148 Cow Close Farm Hathersage	Creation of track	Immune from enforcement action
20/0051 Bull In The Thorn Flagg	Installation of camping pods, static caravan and mobile ablutions unit in breach of conditions on NP/DDD/0319/0256 (temporary change of use to campsite)	Camping pods etc removed – enforcement notice complied with

10/0030 Hallfield Farm Strawberry Lee Lane Sheffield	Extension of domestic curtilage, erection of lighting, CCTV cameras and gateposts.	Immune from enforcement action
18/0031 Higher Fold Farm Rowarth	Construction of two dormer windows	Immune from enforcement action
19/0147 Ivy Cottage Stonelow Eastmoor Chesterfield	Construction of pond	Retrospective planning permission granted
20/0038 Land North Of Bradshaw Lane Foolow	Non-compliance with approved plans for NP/DDD/1117/1147 (erection of detached workshop and storage building)	Use ceased
21/0091 The Showground Agricultural Way Bakewell	Use of land as caravan site	Use ceased
18/0091 Charlotte Cottage Charlotte Lane Bradwell	Erection of porch	Porch removed – enforcement notice complied with
11/0096 Studio House Bagshaw Hill Bakewell	Listed building - Demolition of internal wall	Reinstatement carried out in accordance with LBC NP/DDD/0413/0280
21/0111 The Cottage Hill Farm Butterton Moor Lower Elkstones Leek	Listed building – rooflights not in accordance with approved plans for NP/SM/0595/058 (alterations and refurbishment of cottage)	Amended rooflight design approved
21/0113 Rear of September Cottage Main Street Biggin	Erection of two buildings	Duplicate record
18/0163 The Coach House Bank Vale Road Hayfield	Erection of porch	Porch removed

20/0124 Snake Pass Inn Snake Road Bamford	Change of use of pub to dwelling	Retrospective planning permission granted
21/0098 Mountain View Highgate Road Hayfield	Erection of building	Permitted development

Workload and performance

7. Members will be aware from previous quarterly reports that the team has had a number of vacancies over the last two years and that there have been difficulties in filling those vacancies. This has led to significant challenges in progressing casework which have been exacerbated by the restrictions in place due to the pandemic. Despite this our overall performance in meeting our targets has been good. I am also now pleased to report that we have recently filled most of the vacant posts. On 4 November 2021, Sally Gill started as a part-time Monitoring and Enforcement Officer and is job-sharing with Rosie Olle, dealing with enquiries and other casework in the northern half of the National Park. Also, on 6 December 2021, Robin Gledhill joined us as a full-time Monitoring and Enforcement Officer dealing with casework in the southern half of the National Park. Finally, Tom Shiels, who until the end of last year was managing the south area planning team, is now working for 2 days per week as a Senior Monitoring and Enforcement Officer, partially filling a post that has been vacant since June 2021. Tom is handling casework in the southern half of the Park.
8. The table below provides an overview of the Monitoring & Enforcement Team’s caseload and performance in the latest 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 2021) we resolved 15 breaches which means that so far this year we have resolved a total of 103 breaches.
9. The number of breaches outstanding increased by 3 over the quarter and currently stands at 623 cases. At the end of September 2020, the number was 670 so overall the last year has seen a significant reduction in the outstanding caseload.
10. 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, just 36% of enquiries were dealt with within 30 working days, which is clearly well below our performance target. However, this is due to filling long-term vacancies, as referred to above, and the resulting clearance of a backlog of older enquiries. We would expect our performance to improve as the backlog is reduced.

	Received	Resolved	Outstanding
Enquiries	74 (101)	76 (95)	146 (148)
Breaches	18 (18)	15 (28)	623 (620)

Andrew Cook, Monitoring & Enforcement Team Manager, 3 February 2022