

12. MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2022 (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 2021 – March 2022) as well as information about the breaches of planning control we have resolved in the latest quarter (January – March 2022).
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.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2021-22

5. Notices issued

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(including gateways and stiles)	Enforcement Notice issued 25 May 2020 – due to come into effect 5 July 2021 – Notice withdrawn 15 June 2021 and replacement Notice issued (see below)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 but appeal lodged – appeal dismissed (see below)

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 15 June 2021 – due to come into effect 23 July 2021 but appeal lodged – public inquiry on 26-29 April 2022
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21/0081 Charlotte Cottage Charlotte Lane Bradwell	Construction of a porch	Enforcement Notice issued 16 August 2021 – came into effect 8 October 2021 – notice complied with
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6. Appeals determined

19/0218 Home Farm Main Street Sheldon	Excavation of the land and construction of foundations and walls	Enforcement Notice issued 16 October 2020 – appeal dismissed 24 May 2021 – compliance dates 24 August 2021 (demolish foundations and walls and remove materials) 24 October 2021 (backfill and reinstate excavated ground)
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15/0057 Land at Mickleden Edge Midhope Moor Bradfield	Engineering operations consisting of the laying of geotextile matting and wooden log 'rafts' to form a track	Enforcement Notice issued 21 September 2018 - appeal dismissed 8 November 2021 – compliance dates 8 November 2022 (remove track, spread heather brash and plant sphagnum moss plugs) 8 May 2025 (spray herbicide over areas with more than 30% grass cover and spread heather brash over areas of grass or bare peat)
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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, storage and sale of stone (B2) and deposit of waste materials generated by the unauthorised use	Enforcement Notice issued 9 June 2021 – appeal dismissed 7 March 2022 – compliance dates 7 December 2022 (cease use and remove plant and machinery, cutting equipment etc) 7 March 2023 (remove waste stone and silt and return land to original levels and condition)
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Workload and performance

7. This section of the report summarises the team’s performance over the last year. We have resolved 124 breaches in the past year, which is only slightly down on the figure of 128 for the previous year but is below our target of 150 in the Service Delivery Plan. This is due to a number of vacancies in the team throughout the year, some of which have only recently been filled. We have also had to devote significant time and resources to three high profile appeals being determined by way of public inquiry which has impacted on our ability to progress other casework.
8. The number of new breaches found decreased from 132 in 2020/21 to 102 in 2021/22. As a result of our stronger performance in the first half of the year, when we had fewer vacancies, the number of outstanding breaches at year end has fallen from 653 to 627.
9. Despite the significant difficulties experienced over the last year we have maintained a relatively good performance on dealing with enquiries. We have investigated 408 enquiries in the past year and 64% of these have been investigated within 30 working days against our target of 80%. The number of enquiries received has reduced from 529, in 2020/21, to 408. The net result is that the number of enquiries outstanding at the end of the year has increased from 145 to 188.
10. The table below summarises the position at year end (31 March 2022). The figures in brackets are for the previous year (2021/22).

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	408 (529)	408 (459)	188 (145)
Breaches	102 (132)	124 (128)	627 (653)

11. Breaches resolved in the latest quarter (January – March 2022)

20/0074 4 The Marshes Hope Hope Valley	Construction of access onto classified road	Immune from enforcement action
21/0080 The Barn Elkstones Longnor	Breach of condition on NP/SM/1117/1144 (conversion to holiday let) – requires implementation and maintenance of bird roosting features.	Condition complied with
22/0005 Outrake House Main Street Little Longstone	Installation of an air sourced heat pump	Not expedient to take enforcement action

21/0110 The Lazy Trout Blackshaw Lane Meerbrook Leek	Breach of condition on NP/SM/0121/0098 (Erection of gazebo) – requires no speakers or other means of amplification of voice or music	Condition complied with
21/0114 27 Riverside Crescent Bakewell	Erection of a satellite dish	Not expedient to take enforcement action
21/0067 Hope Valley College Castleton Road Hope	Unauthorised signage	Not expedient to take enforcement action
21/0079 Torgate Farm Old Buxton Road Macclesfield Forest	Change of use to camping/caravan site	Use ceased
21/0072 Larkrise Saltergate Lane Bamford	Erection of wall and pillars	Not expedient to take enforcement action
20/0066 Middle Farm Wheston Near Tideswell	Erection of stables and construction of manege	Planning permission granted
21/0053 Wood Yard Hassop Road Calver	Untidy Land and possible change of use to processing scrap metal	Site cleared
22/0006 St. Annes Cottage Dale Road Over Haddon	Alterations to outbuilding, construction of hardstanding and new access	Permitted development
22/0023 South Lodge Hassop Road Hassop	Listed building – installation of lights and CCTV cameras on listed gateway	Lights and cameras removed
15/0045 Five Acres Farm Narrowgate Lane Wardlow	Creation of access and construction of track	Immune from enforcement action

15/0071 Land south of B6050 Eastmoor Chesterfield	Erection of two stables	Immune from enforcement action
17/0037 Adjacent to Heather Croft Sheffield Road Hathersage	Erection of horse shelter	Immune from enforcement action
17/0060 2 Lyndhurst The Hills Bradwell Hope Valley	Erection of shed and partial removal of wall in conservation area	Immune from enforcement action
17/0084 Brough Cottage Brough Bradwell Hope Valley	Construction of access, driveway and parking space	Immune from enforcement action
20/0069 B5057 Between Winster and Wensley	Widening of access onto classified road	Planning permission granted
21/0076 Town End Cottage Main Street Sheldon	Siting of shepherds hut for use as holiday let	Planning permission granted
20/0036 Fallows End Folds Lane Calver	Dwelling has not been constructed in accordance with the approved plans (NP/DDD/0914/1002)	No breach of planning control - only minor differences
21/0084 Troques Farm Main Road Wensley	Excavation of pond and installation of 'bladder tank'	Planning permission granted