

8. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 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 (July – September 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, 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

22/0040 Land at Cressbrook (otherwise known as Litton Frith Farm)	Engineering operations, including groundworks, alterations in ground levels, laying of surfacing materials and any engineering operations carried out as part of that activity or associated with it.	TSN issued 25 July 2022 – Ceased to have effect on 21 August 2022
19/0113 The Hut, Wilshaw Bottom, Hollinsclough	Construction of a timber cabin and associated structures, formation of a hard surfaced access and parking area and change of use from agricultural use to use for residential purposes	EN issued 24 August 2022 – Due to come into effect on 30 September 2022 but appeal lodged

6. Breaches resolved

22/0002 Land at Hawkslee Barn Minn End Lane Bosley	Storage of caravan on agricultural land	Caravan relocated
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21/0022 Hawthorn Cottage Weags Bridge Road Grindon	Erection of polytunnel and siting of shepherds hut	Retrospective planning permission granted
22/0015 The Old Vicarage Church Bank Hathersage	Erection of composting bays	Retrospective planning permission granted
14/0070 Church Lodge Ilam Ashbourne	LISTED BUILDING - barge boards and ancillary structures	Barge boards removed – ancillary structures immune from enforcement action
21/0048 Barn off Trot Lane, Great Hucklow	Alterations to building and construction of hardstanding	Retrospective planning permission granted
19/0210 Land Opposite Top Farm Wheston Tideswell	Construction of hardstanding on agricultural land	Hardstanding removed and land restored to grass
22/0041 Newburgh Engineering Works Netherside Bradwell	Breach of condition 7 (Construction Management Plan) on NP/DDD/0815/0779	Condition complied with
19/0068 College Of The Peak Hallyard House Bakewell Road Over Haddon	Alteration of car park layout	Retrospective planning permission granted
20/0048 Forge House Bottomhill Road Cressbrook	Untidy land	Land cleared
19/0084 Fox House Inn Fox House Hathersage Road Sheffield	Erection of three sheds	Sheds removed

20/0094 Derbyshire Craft Centre Edge Field Calver Bridge Calver	Display of advertisements (flags)	Flags removed
10/0087 Swallow Barn Wardlow	Breach of conditions on NP/DDD/0306/0253	Immune from enforcement action
11/0065 The Wheatsheaf Public House Nether End Baslow	Erection of smoking shelter, garden structures and play equipment	Immune from enforcement action
15/0112 Land south of Gill Royd Lane Barnside Moor Midhopestones Sheffield	Erection of shooting screens	Immune from enforcement action
15/0058 Hayloft Mill Bridge Castleton	Erection of pergola and fence	Immune from enforcement action
16/0166 Bakers Fold Barber Booth Edale	Erection of shed	Immune from enforcement action
16/0168 Sheffield Paintball Centre Mortimer Road Sheffield	Use of land for paintballing and associated erection of structures	Immune from enforcement action
17/0150 Holly House Parke Road Tideswell	Erection of shed	Immune from enforcement action
18/0089 Moscar Cross House Stake Hill Road Sheffield	Erection of aerial	Immune from enforcement action

17/0163 Laneside Farm Hernstone Lane Peak Forest	Creation of vehicular access	Immune from enforcement action
18/0026 Land near Eaton House Farm Brightholmlee Road Sheffield	Construction of hardstanding	Immune from enforcement action
18/0063 Gladstone Jeffrey Lane Bradwell	Construction of pond	Permitted development

Workload and performance

7. 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 first half of the year (April – September) we resolved 35 breaches so we are not currently on track to achieve our target.
8. The number of breaches outstanding has reduced by eight over the quarter, and currently stands at 618 cases.
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, 50% of enquiries were dealt with within 30 working days, which is below our performance target. The number of enquiries outstanding has also increased in the latest quarter, from 264 to 300. Our relatively poor performance on enquiries is due to one of the Monitoring and Enforcement Officer posts (with responsibility for investigating enquiries in the southern part of the National Park) being vacant since March 2022 and for almost the whole of the latest quarter. The vacancy was filled on 14 September so once the new employee has settled in to the role and received relevant training we would expect the rate of investigation to improve and the number of outstanding enquiries to start reducing although this will inevitably also lead to an increase in new breaches being discovered.

	Received	Resolved	Outstanding
Enquiries	109 (130)	78 (54)	300 (264)
Breaches	14 (12)	22 (14)	618 (626)

10. Current High Priority Cases

15/0057 Land at Mickleden Edge, Midhope Moor, Bradfield	Laying of geotextile matting and wooden log 'rafts' to form a track	EN in effect – initial compliance due by 8 November 2022
17/0044 Woodseats Farm, Windy Bank, Bradfield Dale	External and internal alterations and extension to listed building, erection of lighting and CCTV columns and engineering works (including construction of hardstandings and tracks)	EN in effect with regard to engineering works, extension and erection of lighting and CCTV columns – applications seeking regularization of other works refused – officers considering further enforcement action
17/0134 Bonsall Moor Motocross Track, Blakemere Lane, Ible	Use of land for motocross scrambling	EN in effect – operator has ceased use – items and debris associated with the use not removed – officers seeking removal
18/0062 Land at Cartledge Flat, Bradfield Moors	Creation of a track	EN in effect – officers seeking compliance
19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to listed building	Applications for LBC to regularize works being considered
21/0034 Thornbridge Hall, Baslow Road, Ashford In The Water	Erection of building, construction of driveways and car park	EN issued – appeal lodged – public inquiry commences on 11 October 2022

22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Engineering operations (including laying of hardstanding) and erection of teepee	TSN issued but no longer in effect – officers considering further enforcement action
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