

14. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2023 (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 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 for 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

21/0038 Land to the west of 50 Woodhead Road Tintwistle Glossop	The carrying out of building or other operations comprising the installation of a green steel container	Enforcement Notice issued 25 November 2022 – came into effect on 16 January 2023. Compliance due by 16 April 2023.
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6. Breaches resolved

18/0128 Wayside Cottage Pott Shrigley Macclesfield	Change of use of building from garage to place of worship	Use ceased
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22/0044 Gild Low Moor Road Great Longstone	Ground source heat pump	Land restored
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18/0183 The Eyre Arms Kingsgate Calver	Display of advertisements	Advertisements removed
18/0173 Derwent Water Arms Low Side Calver	Display of advertisements	Advertisements removed
16/0113 9 Diggle Mill Saddleworth	Erection of shed	Shed removed
06/0145 Manor Farm Grindon Leek	Untidy land – storage of scrap etc	Land cleared
14/0138 Ash Tree Farm Alstonefield	LISTED BUILDING - satellite dish on outbuilding	Satellite dish removed
21/0036 Land adjacent Snake Pass Summit A57	Erection of generator building	Building removed
20/0126 Cambridge Wood Main Road Wensley	Sheds erected, tracks created, planting work, addition of a composting toilet, abandoned vehicle and siting of a caravan	No breach of planning control
20/0127 Cambridge Wood Main Road Wensley	Sheds erected, tracks created, planting work, addition of a composting toilet, abandoned vehicle and siting of a caravan	No breach of planning control
20/0036 Roseway Hope Road Bamford	Erection of extension	Planning permission granted

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 (1 April – 31 March). In the latest quarter we resolved 11 breaches and so far this year we have resolved 46 breaches so with only one quarter remaining it seems inevitable that we will not achieve our target.
8. In the latest quarter, 31% of enquiries were dealt with within 30 working days, which is well below our performance target of 80%. However, the number of enquiries outstanding has fallen in the latest quarter, from 300 to 288. This is because progress is now being made on the backlog of enquiries which had arisen 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 between March and September 2022. The vacancy was filled on 14 September 2022 so, as expected, the number of outstanding enquiries has started to reduce.
9. As also expected, the number of new breaches has increased since the previous quarter – from 14 to 24 – and the number of breaches outstanding has increased slightly - from 618 to 631.

	Received	Resolved	Outstanding
Enquiries	105 (109)	84 (78)	288 (300)
Breaches	24 (14)	11 (22)	631 (618)

10. Current High Priority Cases

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| 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 period expired - officers seeking compliance |
| 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 – compliance period expired - officers seeking compliance
19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to grade II* 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 and decision awaited
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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