

MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2023 (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 2022 – March 2023) as well as information about the breaches of planning control we have resolved in the latest quarter (January – March 2023).
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 members endorse the actions taken.

Summary of Activity 2022-23

5. Notices issued

21/0085 New Vincent Farm Parsley Hay	Change of use of land to use for siting of camping pods, provision of hardstandings and access track	EN issued 26 May 2022 – Effect Date 30 June 2022
20/0101 Land North of West Side Farm, Alstonefield Road, Hulme End	Change of use of land to camping and caravan site with associated infrastructure	EN issued 26 May 2022 – Effect Date 1 July 2022
21/0038 Land to the west of Oakwood Cottage 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.

19/0192 Derwent Water Arms Low Side Calver	The carrying out of building or other operations comprising the installation of a timber clad steel container, the construction of a concrete plinth and a wooden fence	Enforcement Notice issued 10 March 2023 – due to come into effect 24 April 2023
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6. Appeals determined

17/0134 Land off Blakemere Lane Bonsall Moor Ible Grange Mill	Use of land for motocross scrambling	Enforcement Notice issued 29 June 2020 – appeal dismissed 5 August 2022 – compliance dates 6 August 2022 (cease use) 2 September 2022 (remove associated items and debris)
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21/0034 Thornbridge Hall Baslow Road Ashford-in-the- Water	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 – appeal allowed and planning permission granted 23 March 2023
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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 70 breaches in the past year, which is significantly below the figure of 128 for the previous year and our target of 150 in the Service Delivery Plan. This is due to continuing issues with vacancies in the team throughout the year, including a 6 month period (March – September) in one full-time Monitoring and Enforcement Officer post. A full-time senior post has also remained vacant since June 2021, although since February 2023 a contractor has been engaged in that role on a 6 month contract for 3 days per week.
8. The number of new breaches found decreased from 102 in 2021/22 to 83 in 2022/23. Overall, however, the number of outstanding breaches at year end has increased slightly from 627 to 640, having fallen from 653 to 627 in the previous year.
9. Our performance on dealing with enquiries has also been impacted by the vacancies over the last year. Although the number of enquiries investigated is similar to the previous year (397 compared to 408) only 41% of these have been investigated within 30 working days against our target of 80%. This is due to seeking to address a backlog of enquiries that built up between March and September, when the Monitoring and Enforcement post was vacant. At the same time, the number of enquiries received in the year has increased from 408, in 2021/22, to 464. The net result is that the number of enquiries outstanding at the end of the year has increased from 188 to 243.
10. In the latest quarter (Jan-March 2023), however, we made significant progress on the backlog of enquiries. In that period, we investigated/resolved 174 enquiries so the overall number outstanding fell from 300 to 243.

11. The table below summarises the position at year end (31 March 2023). The figures in brackets are for the previous year (2021/22).

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	464 (408)	397 (408)	243 (188)
Breaches	83 (102)	70 (124)	640 (627)

12. Breaches resolved in the latest quarter (January – March 2023)

22/0017 Land to East of Manor House Farm Barber Booth Edale	Erection of timber structures (including hot tubs and toilets) on agricultural land	Land cleared
15/0030 Carr Bottom Farm Bamford	Erection of poultry sheds	Immune from enforcement action
15/0113 Land south of the A57 Mortimer Road junction. Grid ref: 226488757	Erection of timber screens	Immune from enforcement action
23/0004 Hollington End Farm Washbrook Lane Thorpe	Residential caravan	Caravan removed
05/0108 Gatesgill Lodge, Wheston Tideswel	Residential caravan	Caravan removed
21/0078 Little Hocker Farm Barrow Moor Longnor	Erection of hay barn	Retrospective planning permission granted

23/0003 Cobbles Tea And Coffee Shop Bank House Market Place Longnor	Installation of stainless steel kitchen flue	Flue removed
09/0140 Land adjacent to Home Farm Little Hucklow Tideswell	Storage of stone and scrap	Land cleared
12/0077 Bennetston Hall Sparrowpit	Storage and processing of waste products, oils and fats to create biodiesel, erection of timber extension, groundworks and erection of fence and gate	Use ceased and developments removed/reinstated
21/0057 Loxley Cottage Douse Lane Onecote	Groundworks – possibly for erection of garage	Planning permission granted for erection of garage
21/0095 Nether Shatton Farm Shatton Bamford	Non-compliance with approved plans on planning permission NP/HPK/1115/1115 (Conversion of barn to dwelling)	Retrospective planning permission granted
19/0098 32 Cross Lane Waterhouses	Change of use of agricultural land to equestrian	Retrospective planning permission granted
23/0010 33 The Meadows Grisedale Road West Great Longstone	Construction of path	No breach of planning control
22/0018 Beighton House Pilhough Lane Pilhough Stanton in Peak	Engineering works comprising excavation of land within curtilage and alterations to site access	Retrospective planning permission granted
17/0134 Land off Blakemere Lane Bonsall Moor Ible Grange Mill	Use of land for motocross scrambling	Enforcement notice complied with – use ceased and associated items/debris removed

17/0075 Land known as One Acre Wood Near Heybarn Farm Glossop Road Little Hayfield	Erection of dwelling (with associated hardstanding etc)	Enforcement notice issued and appeal dismissed – planning permission granted for retention of building for recreational/forestry use
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20/0082 Former Wanted Inn Sparrowpit	Change of use of pub to shop and cafe	Not expedient to take enforcement action
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13. 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 period expired - officers seeking compliance
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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
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18/0062 Land at Cartledge Flat, Bradfield Moors	Creation of a track	EN in effect – compliance period expired - officers seeking compliance
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19/0064 Alstonefield Hall, Church Street, Alstonefield	External and internal alterations to grade II* listed building	Applications for LBC to regularize works being considered
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22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Construction of hardstanding/parking area, steps and a path and erection of tipi	EN issued 6 April 2023
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21/0060 Home Farm Main Street Sheldon	Construction of track and hardstanding, erection of building, construction of timber sheds/structures, siting of caravans and conversion of building to residential dwellings	Application for injunction being progressed – Pre-Action Protocol letter sent 15 March 2023. Evidence prepared and court papers approved for serving.
Andrew Cook	Monitoring and Enforcement Team Manager	