

## **15. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 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 (April – June 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 the report be noted.**

### **Summary of Activity**

#### 5. Notices issued

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	Enforcement Notice issued 6 April 2023 – no appeal so came into effect on 22 May 2023. Compliance due by 22 August 2023 (removal) and 22 November 2023 (reinstatement of land).
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#### Workload and performance

6. This section of the report summarises the team's performance over the last quarter. We have resolved 37 breaches in the quarter, which means that we are currently on course to meet our performance target of 120 in the Service Delivery Plan. This represents a significant improvement on recent quarters as during the whole of the previous year (1 April 2022 – 31 March 2023) we resolved only 70 breaches. This improved performance is despite continuing issues with vacancies in the team. A full-time senior post has remained vacant

since June 2021 and another part-time senior post has been vacant since March 2023, although since February 2023 a contractor has been engaged in that role on a 6-month contract for 3 days per week. The full-time post has recently been advertised but attracted no suitable candidates.

7. Following investigation of enquiries, we found 14 new breaches so the number of outstanding breaches at the end of the quarter has reduced from 640 to 617.
8. In the annual report it was noted that our performance on dealing with enquiries had also been impacted by the vacancies over the last year with only 41% being investigated within 30 working days against our target of 80%. That has risen to 50% in the latest quarter and we anticipate the upward trend continuing as the backlog of enquiries reduces further. The number of new enquiries received in the last three months has risen slightly from 104 to 110, compared to the previous quarter. However, the number of enquiries outstanding at the end of the quarter has reduced from 243 to 232 – at the end of December 2022 the number outstanding was 300.
9. The table below summarises the position at the end of the quarter (30 June 2023). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	110 (104)	124 (174)	243 (232)
Breaches	14 (33)	37 (20)	617 (640)

10. Breaches resolved

21/0087 Bennett Barn Sandy Lane Chinley	Unauthorised extension to outbuilding (approved holiday unit) and installation of doors.	Extension removed and doors replaced with approved design.
09/0058 Land adjoining A515 Ashbourne Rd Tissington	Display of advertisement sign	Sign has deemed consent
21/0097 Old Post Office Main Street Birchover	Non-compliance with condition on NP/DDD/0421/0427 requiring removal of bay window and replacement with original opening.	Appeal against condition allowed with replacement condition requiring removal within 12 months.
23/0028 The Eating House Derbyshire Craft Centre Calver Bridge	Erection of six moveable structures (gazebos)	Structures removed and replaced with single structure which complies with GPDO

Calver

22/0075 Drystones Slipperlow Lane Taddington	Erection of three sheds and chicken runs and installation of floodlight on building	Retrospective planning permission granted for sheds – not expedient to take enforcement action against floodlight
21/0092 Springfield Barn Dig Street Hartington	Change of use of agricultural land to garden and erection of polytunnel	Immune from enforcement action
20/0026 Sparrowgreave Wincle	Erection of a building	Enforcement appeal allowed
21/0034 Thornbridge Hall Baslow Road Ashford In The Water	Erection of café building, construction of driveways and car park.	Planning permission granted on appeal
22/0074 Wingate Station Road Bakewell	Erection of garden shed	Not expedient to take enforcement action
11/0068 Hob Hay Farm Elkstones	Breach of condition 3 (landscaping) on NP/SM/0710/0668 – Extension to cattle shed	Immune from enforcement action
22/0047 Woodseats Farm Hollowford Road Castleton	Use of land as campsite	Owner has agreed to operate within GPDO limitations
23/0033 Rose Cottage Waterfall Lane Waterfall Waterhouses	Removal/rebuilding of boundary walls	Retrospective planning permission granted
04/0050 Holly House Stanton in Peak	LISTED BUILDING - Removal of internal window shutters, window seat and fireplace	LBC granted for reinstatement works.
06/0102 Yonderman Cafe (formerly	Display of advertisement	Advertisement removed

Katies Diner)  
Wardlow Mires

11/0004 Junction of Donkey Lane and A623, Calver	Display of advertisement for Derwentwater Arms	Advertisement has deemed consent
12/0020 Hoarstones Road, Also one opposite The Plough, Bradfield	Display of advertisement for The Schoolrooms Cafe	Advertisement has deemed consent
17/0056 1 Bulls Head Cottage Macclesfield Road Kettlethulme	Trees lopped	No breach of planning control
19/0130 Swythamley Chapel Three Pools Swythamley Rushton Spencer	LISTED BUILDING - Removal of bells from bell tower	Not expedient to take enforcement action
19/0078 Land at Butterton Bank Butterton	Erection of buildings	Immune from enforcement action
10/0165 Rambler Inn Edale	Display of advertisements	Advertisements now have deemed consent
11/0050 Land adjacent A6 Taddington	Display of advertisement for Queens Arms	Advertisement now has deemed consent
10/0218 The Old School Low Bradfield	Non-compliance with NP/S/1202/040 (Conversion to shop, cafe and caretakers flat)	Development now complies with permission

19/0220 Peep O' Day Maynestone Road Chinley	Non-compliance with Conditions 1 and 2 of NP/HPK/0598/076 in that a dry stone wall has not been constructed to define the boundary	Enforcement notice issued and complied with
20/0060 Turnpike House Macclesfield Road Kettleshulme	Breach of condition 4 of CEC/1016/1008 as fence not painted	Condition complied with
20/0134 Moor Edge New Road Bamford	Erection of gate piers and flank walling	Retrospective planning permission granted
23/0040 Land west of Aston Lane Hope	Engineering operations, comprising groundworks and creation of compound	Works being carried out by Network Rail are PD – compound to be removed once works complete
23/0025 Brook Roods Back Lane Warslow	Change of use of garage to vehicle repair business and construction of hardstanding and track	Retrospective planning permission granted
14/0316 Dale Farm Middleton-By- Youlgrave Bakewell	LISTED BUILDING - satellite dish on chimney stack	Satellite dish removed
23/0020 6 Church Street Tideswell	Breach of condition on NP/DDD/0203/083 (erection of conservatory) requiring obscure glazing	Immune from enforcement action
14/0409 Wardle Cottage Butterton Leek	Breach of conditions 2 (not in accordance with the approved plans), 5 (rainwater goods plastic - should be cast metal) and 6 (doors upvc - should be vertically boarded timber) on NP/SM/0710/0765	Not expedient to take enforcement action
16/0064 Gauledge Farm Gauledge Lane Longnor	Septic tank/treatment plant not sited in accordance with approved plans on NP/SM/1112/1170	Not expedient to take enforcement action
19/0042 Former Dove Dairy Stonewell Lane Hartington	Breach of conditions on NP/DDD/1219/1298 (Erection of dwellings) – rooflights not in accordance with approved plans, stonework on plots M, L and K not approved	Rooflights removed and stonework now acceptable

09/0154 New House Farm Grindon	Breach of condition 4 on NP/SM/0508/0371 (erection of agricultural building) – external timber boarding on NW elevation not brought down to ground level. Storage of scrap.	Breach of condition immune from enforcement action. Scrap largely removed.
23/0027 Land west of B5053 Butterton Moor Butterton	Siting of former lorry body	Former lorry body removed
17/0053 The Glen Hollinsclough Rake Hollinsclough	Breach of condition 2 of NP/SM/0719/0828 (Conversion and extension of outbuilding for residential use) – cladding of building and replacement windows	Condition complied with
23/0007 Land at Elton Common Winster	Erection of two sheds	One shed removed – remaining shed is PD
23/0012 Upper Oldhams Farm Long Rake Monyash	Erection of agricultural building	Retrospective planning permission granted

11. 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 – Natural England consent obtained for works 30 May 2023 - 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
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
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	Enforcement notice issued – see details above
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 made – initial hearing held on 25 May 2023 – trial date listed for 5/6 December 2023

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