

13. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 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 (July – September 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

20/0141 343, Woodhead Road, Holme	Creation of vehicular access and parking area and associated change of use of land	Enforcement Notice issued 24 August 2023 – due to come into effect 27 September 2023
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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 20 breaches in the quarter and so far this year have resolved 57 breaches, which means that we are almost on course to meet our annual performance target of 120 in the Service Delivery Plan. This represents a significant improvement 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. One of the Monitoring and Enforcement Officers also left the Authority on 10 September 2023 and we are currently seeking to recruit a replacement.

7. Following investigation of enquiries we found 21 new breaches so the number of outstanding breaches at the end of the quarter has increased from 617 to 618. We are currently carrying out a major review of outstanding cases which it is anticipated will result in a significant reduction in cases over the next few months. More information will be provided in the next quarterly report in January 2024.
8. Our performance on dealing with enquiries has also been impacted by the vacancy issues with only 41% being investigated within 30 working days against our target of 80% in 2022/23. That increased to 50% in the quarter ending 30 June 2023 but has dropped back slightly to 46% in the latest quarter. The number of new enquiries received has dropped from 110 to 93 since the previous quarter. The number of enquiries outstanding at the end of the quarter has also reduced, from 232 to 223 – at the end of December 2022 the number outstanding was 300. Overall we would expect our performance to improve as the backlog is reduced but to a large extent that will depend on being able to fill the current Monitoring and Enforcement Officer vacancy.
9. The table below summarises the position at the end of the quarter (30 September 2023). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	93 (110)	100 (124)	223 (232)
Breaches	21 (14)	20 (37)	618 (617)

10. Breaches resolved

18/0155 Ye Olde Nags Head Hotel Cross Street Castleton	Display of advertisement signs	Signs removed
22/0037 Hathersage Filling Station Main Road Hathersage	Display of advertisement signs	Retrospective consent granted
23/0022 Leadmill Trout Farm Leadmill Hathersage	Creation of a track and use of land as a caravan site with erection of associated structures	Caravan site use is permitted development. Not expedient to take action against track and associated structures
18/0137 Layby on A628 Opposite The Dog And Partridge Flouch	Siting of portacabin used as a cafe	Portacabin removed

18/0184 Calver BP Service Station Calver	Display of advertisement sign	Sign removed
21/0083 Booth Farm Kinder Road Hayfield	LISTED BUILDING – Internal and external alterations	Retrospective listed building consent granted
21/0101 Holmesfield Farm Mill Bridge Castleton	Use of land as campsite (including motor homes)	Operating within permitted development rights
19/0138 The Anchor Inn Tideswell	Display of advertisement signs	Signs removed
23/0045 The Cottage Main Road Little Hucklow	Demolition of rear extension in conservation area	Retrospective permission granted for demolition and a replacement extension
15/0133 Lindt and Sugacane Water Street Bakewell	Display of advertisement signs	Signs removed
21/0100 Hulleys Of Baslow Derwent Garage Calver Road Baslow	Breach of conditions with regard to permitted site area and number of buses operating	Conditions complied with and/or immune from enforcement action
20/0104 Barn to the rear of Bridge Cottage Edale Road Hope	Erection of timber dwelling	Temporary planning permission granted for 5 years
19/0121 Afe Way Bradford Youlgrave	Breach of conditions 2, 3 and 4 on NP/DDD/0518/0393 – replacement dwelling and garage	Section 73 approval granted

20/0113 Willow Farm Butterton Moor Bank Butterton	Non-compliance with condition 6 (removal of stables) on NP/SM/0815/0739	Duplicate record
22/0072 Land to the west of Hill End Farm Hollinsclough Rake Hollinsclough	Alterations to agricultural building including replacement of roof slates and installation of roof lights and formation of access track	Not expedient to take enforcement action
21/0018 Field Behind Highclere The Wash Chapel-En-Le-Frith	Erection of timber stables	Planning permission granted for replacement stables
17/0126 Bradley Hall The Green Birchover	LISTED BUILDING – Installation of windows and internal alterations to form bathroom	Windows replaced with agreed design – consent granted for internal alterations
22/0014 Over Boothlow Farm Knowsley Hill Longnor	LISTED BUILDING – Non-compliance with approved plans in breach of condition 2 on NP/SM/0910/0964 and NP/SM/0910/0974 (Conversion of part of barns into holiday accommodation).	Breaches regularized by later consent and remedial works carried out
17/0042 Land near Coombes Tor, West of Cown Edge Farm, Glossop	Erection of fixed wireless broadband masts	Enforcement notice complied with – masts removed

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
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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
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 came into effect on 22 May 2023 – compliance period for removal of developments expired on 22 August 2023 so further action being progressed to secure compliance
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

Report Author: Andrew Cook, Monitoring and Enforcement Team Manager