

13. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2024 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out over the last quarter (October – December 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, this can be authorised under delegated powers.
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. Our Local Enforcement Plan, which was published in 2014 and last updated in 2018, sets out, amongst other things, 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.

5. Restructure and Resources

The recent restructuring of the Planning Service included the dis-establishment of the Monitoring and Enforcement Team Manager post and redeployment of the monitoring and enforcement staff into the two Area Teams, with the Area Team Managers taking on responsibility for managing the monitoring and enforcement staff. It also involved the establishment of a second Senior Monitoring and Enforcement Officer post and some additional short-term capacity at a senior level - the latter to assist with the transition into the new structure and help to address a significant backlog of casework.

6. Some progress is now being made on recruitment, with Denise Hunt (who has worked in the Planning Service for many years, most recently as a Planner in the South Area Team) being appointed as a Senior Monitoring and Enforcement Officer in the South Area Team and starting in that role on 8 January 2024. The equivalent post in the North Area Team remained unfilled after the recruitment process but has recently been re-advertised. The Monitoring and Enforcement Officer post dealing with casework in the south of the Park has been vacant since 10 September 2023 but we have recently recruited Ryan Hancock as a replacement and he started in that role on 11 January 2024. As a reminder, the other Monitoring and Enforcement Officer post, dealing with casework in the north of the Park, is currently job-shared by Rosie Olle and Sally Gill. We are also seeking to recruit an additional full-time Monitoring and Enforcement Officer on a 2 year contract to focus on listed building enforcement cases. An initial recruitment process was unsuccessful so the post is to be re-advertised.

RECOMMENDATION:

That the report be noted.

Summary of Activity

7. Notices issued

22/0057 Rocking Stone Farm, Rowtor Lane, Birchover	Building operations comprising installation of a holiday let cabin and associated structures; and material change of use to independent residential use/use as holiday accommodation.	Enforcement Notice issued 14 December 2023 – due to come into effect 30 January 2024
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Workload and performance

8. This section of the report summarises our performance over the last quarter. We resolved 23 breaches in the quarter and so far this year have resolved 80 breaches. 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 long-term issues with vacancies which, as mentioned above, have continued in the latest quarter. Now that vacancies are starting to be filled we anticipate that performance will continue to improve.
9. Following investigation of enquiries we found 8 new breaches resulting in the number of outstanding breaches decreasing from 618 to 603. In addition, we have started carrying out a major review of outstanding cases which has so far resulted in a further 52 cases being closed. So, the overall number of outstanding cases has been reduced to 551 and it is expected that there will be further reductions as this review process continues.
10. Our performance on dealing with enquiries has also been impacted by the vacancy issues with only 41% being investigated within 30 working days in 2022/23 against a target of 80%. That increased to 50% in the quarter ending on 30 June 2023 but dropped back slightly to 46% in the following quarter. The figure for the latest quarter was 50%. The number of new enquiries received has dropped from 93 to 70 since the previous quarter although the number of enquiries outstanding at the end of the quarter has increased from 223 to 248. However, this is still well below the 300 enquiries that were outstanding at the end of December 2022.
11. The table below summarises the position at the end of the quarter (31 December 2023). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding
Enquiries	70 (93)	47 (100)	248 (223)
Breaches	8 (21)	23 (20)	550 (618)

12. Breaches resolved

23/0055 The Barn Stacey Close Warslow Buxton	Change of use of agricultural land to mixed use of agriculture, keeping and grazing of horses and keeping of homing pigeons; and erection of two pigeon lofts	Retrospective planning permission granted
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20/0130 Bridleway (Mel/50) known as Magdalen Road Harden Moss Road Meltham	Surfacing/upgrading of track	Retrospective planning permission granted
20/0141 The Mistal Barn 343 Woodhead Road Holme	Creation of a vehicular access and parking area	Retrospective planning permission granted
16/0078 Middle Hills Farm Grange Mill Matlock	Steel container used as shop; timber shower & toilet block; change of use of agricultural building to shower & toilet block; static caravan and play area.	Lawful Development Certificate granted
23/0047 3 Mount Pleasant Ashford In The Water	Erection of pergola	Height reduced to within PD limitations
22/0052 Orrs Farm Main Street Great Longstone	Installation of windows in breach of planning permission for erection of barn (NP/DDD/0118/0041)	NMA granted
22/0077 Eley Fitness Unit 2b Station Road Bakewell	Display of advertisement sign	Sign removed
22/0079 Upper Hurst Tinman Lane Hulme End	Use of converted barn as holiday let in breach of condition 3 of NP/SM/0621/0702	Condition now complied with
14/0246 Earl Sterndale C Of E Voluntary Controlled Primary School Earl Sterndale	LISTED BUILDING – Erection of satellite dish	Satellite dish removed

21/0094 Eastgate School Lane Baslow	Deposit of waste/demolition materials on agricultural land	Material removed
19/0188 29 Cote Lane Hayfield Baslow	LISTED BUILDING – Erection of satellite dish and flue	Satellite dish and flue removed
20/0067 The Manor House Froggatt Edge Calver	Creation of a lake	Retrospective planning permission granted
18/0056 Knarrside Woodhead Road Tintwistle	Erection of outbuilding	Building altered to fall within PD limitations
18/0069 Eyam Edge Farm Hinchcliffe Eyam	Installation of portaloo	Portaloo removed
21/0021 Heatherhill Farm Water Lane Bamford	Erection of timber campsite facilities shelter	Planning permission granted for replacement
14/0587 Home Farm Weaddow Lane Middleton-by- Youlgrave	Breach of condition 2 on NP/DDD/1103/0737 (Erection of farmworker's dwelling and conversion of barn to utility room and stable) - build not in accordance with the approved plans	Not expedient to take enforcement action
19/0118 Land east of Owler Bar Holmesfield	Erection of timber building	Combined with 18/0112
19/0119 Land east of Owler Bar Holmesfield	Erection of timber buildings	Combined with 18/0112

23/0076 Hope Farm Hope Road Alstonefield	Breach of agricultural occupancy condition on NP/SM/0590/75	Section 73 application for removal of occupancy condition approved
23/0029 22, Swift Close Netherside Bradwell	Erection of buildings	Permitted development
19/0108 Grouse Inn Chunal Glossop	Untidy land and change of use to waste storage	Use ceased and land cleared
15/0139 Running Hill House Running Hill Lane Dobcross Oldham	LISTED BUILDING – Erection of porch	Listed Building Consent granted
19/0100 Pott Mill Farm Bakestonedale Road Pott Shrigley	Siting of caravan on agricultural land	Caravan removed
13.	<u>Current High Priority Cases</u>	
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 – application submitted to appeal NE consent
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	PP and LBC granted on 9 November 2023 for works to regularize and remediate breaches
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 – works in default carried out on 13/14 December 2023 to remove hardstanding/parking area and tipi and restore the land
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 – trial held on 5/6 December 2023 – injunction granted and court order issued and served

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