

16. MONITORING & ENFORCEMENT ANNUAL REVIEW – APRIL 2024 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out over the last year (April 2023 – March 2024) as well as information about the breaches of planning control we have resolved in the latest quarter (January – March 2024).
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 ('LEP') to manage enforcement proactively, in a way that is appropriate to their area. Our LEP, which was published in 2014 and last updated in 2018, 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. Officers have a commitment to review and update the LEP over the next three months in consultation with the Chair and Vice-Chair of Planning Committee and it is anticipated that a final draft will be reported to the Planning Committee in July 2024.

5. Resources

The last quarterly report in January 2024 informed members of the recent restructuring of the Planning Service and, in particular, the changes for our monitoring and enforcement work. It also reported on the progress that had been made in recruiting to vacant posts. This progress has continued as we have now appointed Stuart Richardson in the Senior Monitoring and Enforcement Officer post in the North Area Team and he is due to start on 8 April 2024.

6. After an initial unsuccessful recruitment process, we also readvertised a 2 year full-time contract focussing on listed building enforcement cases, which is the last remaining vacant post. Following an interview on 21 March 2024, the post has now been offered to the successful candidate and verbally accepted so we are currently going through the pre-employment checks before agreeing a start date, which we anticipate will be in May.
7. It is worth noting that the long-term issues with recruitment and retention which we have suffered are by no means unique to this Authority. According to research conducted by the Royal Town Planning Institute (RTPI) in 2022, commissioned by The Department for Levelling Up, Housing and Communities (DLUHC), 80% of planners expressed concerns about the insufficient number of enforcement officers to manage the workload and 70% of councils reported difficulties in recruiting enforcement officers over the past five years. In light of this, the RTPI and DLUHC have recently embarked on an initiative to address the critical shortage of planning enforcement officers across local planning authorities nationwide. This is designed to engage school and college students, showcasing the vital, dynamic, and diverse role of a planning enforcement officer and the positive impact enforcement has on communities. It also aims to illustrate the various pathways into planning enforcement. We are looking at ways we can actively promote this initiative in schools and colleges in and around the National Park.

RECOMMENDATION:

That the report be noted.

Summary of Activity 2023-24

8. 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.	EN issued 6 April 2023 – came into effect 22 May 2023 – partially complied with through ‘works in default’ to remove hardstanding/parking area and tipi and restore land on 13/14 December 2023.
20/0141 343, Woodhead Road, Holme	Creation of vehicular access and parking area and associated change of use of land.	EN issued 24 August 2023 – came into effect 27 September 2023 – retrospective planning permission granted – EN withdrawn 3 October 2023.
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.	EN issued 14 December 2023 – due to come into effect 30 January 2024 – appeal lodged.

9. Appeals determined

19/0113 The Hut, Wilshaw Bottom, Hollinsclough	Construction of timber cabin, formation of a hard surfaced access and parking area, laying of water pipes, installation of septic tank and access track and change of use of cabin and land to residential use.	EN issued 24 August 2022 – appeal dismissed 11 April 2023 – compliance dates: 11 June 2023 (cease use) 11 September 2023 (remove cabin and associated items, and restore land to former condition).
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Workload and performance

10. This section of the report summarises our performance over the last year. We have resolved 103 breaches in the past year, which is a significant improvement on the figure of 70 for the previous year – although still below our target of 150 in the Service Delivery Plan. In view of the progress made on filling vacancies, as referred to in paragraphs 5 and 6 above, it is anticipated that our performance will continue to improve over the coming year – particularly when the new officers settle in to their roles.

11. As mentioned in the previous two quarterly reports, we have also been addressing the backlog of outstanding enforcement cases which had built up over the last four years or so, including a number of cases where enforcement notices had been issued but had not been complied with. As a result of this, the overall number of outstanding cases has been reduced from 640 (at the end of March 2023) to 528. It is important to note that this is a net figure taking into account the creation of 63 new enforcement cases over the same period which means that we have closed 175 cases over the last year.
12. The number of outstanding enforcement cases is now at its lowest level since October 2017, when it stood at 521. Again, we expect the reduction in outstanding cases to continue over the coming year as the newly appointed officers settle in and the pressure on established officers eases. By the end of 2024/25 we aim to be in a position where individual officers have a manageable caseload and are able to work in a more efficient and productive way.
13. Our performance on dealing with enquiries has been impacted by the vacancies over the last year. Although the number of enquiries received has fallen significantly compared to the previous year (350 compared to 464) only 42% have been investigated within 30 working days against our target of 80%. However, the number of enquiries outstanding at the end of the year has remained almost static (244 compared to 243 in 2022/23) following an increase of 55 in the previous year. This is due to addressing the backlog of enquiries that had built up during two significant periods of vacancy in a key post over the last two years.
14. In November 2023, we introduced a new online form for reporting alleged breaches of planning control. This is designed to improve efficiency and the speed of investigation by ensuring that enquirers provide a minimum level of information before we log their enquiry and start investigating. Enquirers can also pinpoint the location on an interactive map and attach a photograph if they wish. Since the introduction of the form we have also allowed enquirers to continue to report issues via e-mail, letter and phone. However, we are shortly moving to a situation where we will only accept enquiries submitted online unless that is not possible.
15. The table below summarises the position at year end (31 March 2024). The figures in brackets are for the previous year (2022/23).

	Received	Investigated/Resolved	Outstanding At Year End
Enquiries	350 (464)	353 (397)	244 (243)
Breaches	63 (83)	103 (70)	528 (640)

16. Breaches resolved in the latest quarter (January – March 2024)

21/0035 Erection of stables
Land rear of
2 Chapel
Terrace
Ashbourne Road
Fenny Bentley
Ashbourne

Planning permission
granted

14/0515 Lees Farm Fenny Bentley Ashbourne	LISTED BUILDING – Replacement front door and erection of satellite dish	Satellite dish removed and door replaced with approved design
19/0036 Rock House Main Road Stanton In Peak	Installation of air source heat pump	Heat pump removed
23/0063 Carpenters Cottage Main Street Winster	LISTED BUILDING - painting of windows and doors	Windows and doors re-painted in approved colours
19/0030 Knotlow Farm Wormhill	Breach of planning permission HPK/0618/0511- failure to comply with noise mitigation requirements.	Noise mitigation requirements complied with
15/0051 The Brown House High Bradfield	Breach of conditions 15 (parking area) & 16 (landscaping) attached to planning permission NP/S/0411/0367	Planning permission granted for amended scheme with updated conditions
19/0216 Old Smithy Commercial Road Tideswell	Breach of condition 3 (archaeological WSI) on application NP/DDD/0616/0579	Condition discharged
20/0037 Little Mistal Meal Hill Road Holme	Partial removal of wall in Conservation Area	No breach of planning control
24/0011 Bike & Boot Leisure Hotel (site of former Rising Sun Hotel) Hope Road Bamford	Display of flag advertisements	Flags removed
18/0125 Toll Bar Cottage Owler Bar Near Holmesfield	LISTED BUILDING - Timber side extension, Lean to extension not in compliance with approval NP/NED/0117/0033 and installation of replacement windows	Side extension removed and other breaches resolved

21/0077 Wisteria Cottage Riley Back Lane Eyam	Erection of timber verandah	Verandah removed
22/0073 Mere Farm House Rakes Road Monyash	LISTED BUILDING – Erection of shed and installation of oil tank, air-source heat pump and tap; replacement doors	Shed immune from enforcement action; oil tank removed; permission granted for relocated air source heat pump, replacement doors and tap
21/0009 18 Sherwood Road Tideswell	Erection of satellite dish	Not expedient to take enforcement action
21/0086 Valley View Farm Hayfield Road Chinley	Package treatment plant not in the approved location	Not expedient to take enforcement action
24/0012 Mates, Mobiles & Vapes 7 Buxton Road Bakewell	Display of advertisements	Advertisements removed
19/0091 Churchdale Hall Baslow Road Ashford In the Water	Erection of summerhouse	Summerhouse removed
22/0012 Golden Green Garage Barrow Moor Longnor	Display of illuminated advertisement	Advertisement consent granted
18/0036 Trespass 38 Matlock Street Bakewell	Internal alterations to listed building	Listed building consent granted
18/0116 Beech Croft Farm Caravan Park Blackwell Buxton	Siting of touring caravans outside of permitted area	Use of area restricted to camping only

19/0179 Bruntmoor Cottage Ashbourne Road Monyash	Conversion of garage to a dwelling	Planning permission granted
24/0006 Dragonfly Cottage 1 Fly Hill Bakewell	Erection of two sheds	Planning permission granted
17.	<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 granted SSSI consent for works 30 May 2023 – appeal pending against 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 – conditions relating to submission of details etc not complied with

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 – came into effect 22 May 2023 – partially complied with through ‘works in default’ to remove hardstanding/parking area and tipi and restore land on 13/14 December 2023.
21/0060 Home Farm Main Street Sheldon	Various developments, including 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 – partly retrospective planning application submitted 16 January 2024

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