

10. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2024 (A.1533/AJC)

Introduction

1. This report provides a summary of the work carried out over the last quarter (April – June 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. Local Enforcement Plan Review

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 was originally published in 2014 and last updated in 2018. Officers have recently undertaken another review and this report seeks committee endorsement for the revised and updated version. The need for a review of the LEP was raised as an action point following an internal audit which took place in the latter part of 2023, with the final report published in January 2024. A summary of progress on the other agreed actions in the audit report is also set out below.

RECOMMENDATION:

1. That the summary of activity be noted.
2. That the committee approves the revised and updated Local Enforcement Plan, as set out in the appendix to this report, subject to minor amendments being delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of Planning Committee.

Summary of Activity

5. Notices issued

20/0061 Bank House Bar and Restaurant Main Road Hathersage	Building operations comprising construction of a timber structure inserted into metal post holders which are bolted into concrete pads.	Enforcement Notice issued 25 April 2024 – appeal lodged
20/0089 Manor House Little Hucklow	Installation of three air source heat pumps	Enforcement Notice issued 30 April 2024 – appeal lodged

Workload and performance

6. This section of the report summarises our performance over the last quarter. We resolved 37 breaches in the quarter which means that we are on target to considerably exceed our annual target of 120 breaches resolved. This is a result of having filled all of the vacant posts, some of which have persisted over the last 3-4 years.
7. Another result of posts being filled is that we have been able to make progress on addressing the backlog of enquiries. We have investigated 138 enquiries in the latest quarter compared to just 47 and 76 in the preceding two quarters. This means that the number of outstanding enquiries has reduced from 244 to 202, despite an increase in the number of enquiries received from 72 to 95. Tackling the backlog of enquiries has also meant that we have discovered more breaches – 48 compared to only 8 and 18 in the preceding two quarters. So, overall the number of breaches outstanding has stayed virtually static since the end of March 2024.
8. The table below summarises the position at the end of the quarter (31 March 2024). The figures in brackets are for the previous quarter.

	Received	Investigated/Resolved	Outstanding
Enquiries	95 (72)	138 (76)	202 (244)
Breaches	48 (18)	47 (41)	529 (528)

9. Breaches resolved

16/0022 Land north of Main Road Taddington	Erection of building	Building removed
18/0079 Snelslow Barn Snelslow Farm Hernstone Lane Peak Forest	Change of use of shed to holiday let	Use ceased
23/0075 Woodhouse Queen Street Tideswell	Restaurant operating in breach of condition 4 of NP/WED/387/113 (opening hours)	Section 73 application to vary opening hours granted
22/0008 Yondermann Cafe Wardlow Mires	Display of advertisement signs	No breach – have replaced previous signs

19/0015 Old Hall Hotel Market Place Hope	Breach of planning condition 3 (reinstatement of kerb) on NP/HPK/0717/0695	Not expedient to take enforcement action
15/0128 Bassett Wood Farm Tissington	Mixed use as petting zoo, tea rooms and use of shepherds hut as holiday accommodation	Use ceased
19/0097 Moor Lodge Sugworth Sheffield	Alteration of gateway to form vehicular access and driveway	Pre-existing gateway reinstated and land restored
18/0157 Upper Hurst Tinman Lane Hulme End	Breach of conditions on NP/DDD/0908/0776	Immune from enforcement action
19/0215 Land off Cardlemere Lane Green Lane Pikehall	Derelict caravan and untidy land	Caravan removed and land cleared
14/0295 Castern Hall Ilam	LISTED BUILDING Satellite dish	Consent granted
23/0037 9 Ravenhoe Lane Rainow	Erection of porch	Immune from enforcement action
19/0196 White Field Farm Whitefield Lane Flagg	Erection of agricultural building	Not expedient to take enforcement action
17/0167 5a Burton Close Mews Bakewell	Erection of outbuilding	Immune from enforcement action
20/0080 Devonshire Arms Hernstone Lane Peak Forest	Use of land for camping and use of caravan as shop	No evidence of camping – caravan being used for ancillary purposes

21/0118 Land adjacent to Beech House Coombs Road Bakewell	Erection of building	Retrospective planning permission granted
18/0170 The Cottage The Courtyard Main Street Winster	LISTED BUILDING - Unauthorised window - west ground floor light, in the south gable end	Consent granted
19/0167 Land at junction of Hide Lane and Long Dale Hartington	Erection of building	Immune from enforcement action
20/0055 Northlands High Cliffe Eyam	Siting of shepherds hut and use as holiday accommodation	No breach
24/0020 Bike & Boot Leisure Hotel Hope Road Bamford	Breach of condition 6 of NP/HPK/0719/0820 (provision of pedestrian crossing)	Combined with 24/0039
21/0112 September Cottage Main Street Biggin	Erection of two buildings	Not expedient to take enforcement action
23/0059 Moorland House Station Road Hathersage	Installation of lighting bollards	Retrospective planning permission granted
19/0122 Upper Hurst Tinman Lane Hulme End	Erection of timber structures and office extension	Timber structures no breach – permission granted for office extension
20/0054 Hillcrest The Nook Eyam	Siting of shepherds hut	No breach – used for ancillary residential purposes

16/0017 Land off Blakelow Lane, Brightgate, Bonsall	Siting of static caravan	Caravan removed
18/0156 Old Chapel West Bank Winster	LISTED BUILDING Installation of rooflights not in accordance with approved scheme – NP/DDD/1008/0869 and 0872	Rooflights replaced with agreed design
19/0013 The Croft Milldale Alstonefield	Creation of vehicular access and parking area, conversion of upper floor of garage to holiday accommodation	Access and parking area immune from enforcement action – retrospective planning permission granted for holiday accommodation
23/0065 Crewe & Harpur Cottage The Rakes Alstonefield	Use of ancillary annex as holiday accommodation	Use ceased
19/0132 Hope Valley Garden Centre Bamford.	Display of advertisement signs	Combined with 24/0047
23/0017 Land west of Edale Road Barber Booth Edale	Construction of a lake	Retrospective planning permission granted
18/0131 The Clays Alstonefield	Erection of building obstructing public right of way	Minor obstruction which can be bypassed
13/0107 Post Office Corner Castleton	Display of advertisement sign	Has acquired deemed consent
13/0103 Gorse Hill House Bar Road Curbar Calver	Erection of wall does not comply with approved plans for NP/DDD/0113/0012.	Immune from enforcement action
14/0479 One Stop Station Road Hathersage	Display of advertisement sign	Has acquired deemed consent

23/0071 Gautrieside Farm Sparrowpit	Siting of static caravan	No breach – used for ancillary residential purposes
22/0046 Ashford Arms, Ashford in the Water	LISTED BUILDING Steel covers fixed to windows, and erection of unauthorised sheds and fencing within curtilage	Steel covers, sheds and fencing removed
22/0026 Ridge Farm, Swallow Cottage Bottom Of Moor Longnor	Siting of caravan	Duplicate case – see 20/0116
13/0139 Old School Cottage Brushfield Taddington	Retention of timber car port canopy in breach of conditions	Immune from enforcement action
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 –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

22/0040 Land at Cressbrook Dale (Otherwise known as Litton Frith Farm)	Construction of 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 in December 2023 to remove 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	Injunction granted and court order issued and served – December 2023 – partly retrospective application for ‘holiday retreat’ refused 13 May 2024 – awaiting possible appeal

Local Enforcement Plan Review

10. As mentioned in the introduction to this report, we have recently undertaken a review of our Local Enforcement Plan (LEP). A draft version of the revised Plan has been forwarded to the Chair and Vice-Chair of this committee for comments and the comments received have been taken into account in producing a final draft which is in the appendix to this report.
11. The revised draft is broadly similar to the previous version. However, it has been updated to take into account new and amended legal powers and other statutory changes which have been introduced since the last review in 2018. It has also been reduced from 27 pages to 13 pages, with more weblinks to detailed information that is already available elsewhere and simpler language used where possible. It is considered that the draft is more user-friendly as a result.
12. The revised draft informs those people who wish to report a possible breach of planning control to use our new online form, unless there is a genuine reason why the form cannot be used or in cases of extreme urgency (e.g. demolition of a listed building). It also summarises the investigation process and what happens when we find a breach of planning control. The draft makes it clearer that if no reasonable attempt is made to remedy the breach by a specified date and a retrospective application is not submitted we will take prompt and effective formal enforcement action where we consider it is expedient to do so.
13. Our priorities are less rigidly defined in the revised draft than in the previous version, although, as before, it is made clear that our resources will be focused on breaches which cause the most significant harm. It states that ongoing works to listed buildings and works in protected areas (e.g. Sites of Special Scientific Interest) which are causing serious and significant harm will be given the utmost priority and that if works continue despite requests to stop we will usually take formal action without undue delay. For all other matters, it states that the more serious the harm caused the more likely it is that we will take formal action.

14. Conversely, where there is little or no harm caused by a breach of planning control the revised draft says that we will usually not give it the same priority and may decide it would not be expedient to take formal enforcement action. In these cases we will make a formal decision to take no further action under delegated powers.
15. Members of this committee will be aware from recent quarterly reports that a new Planning Service structure has been put in place over the last year with more focus on an integrated area team approach in dealing with our monitoring and enforcement casework. Alongside this, a major review of the backlog of cases has been taking place with significant progress being made. The revised LEP states that this review will continue over the coming year and that a team approach to monitoring of approved developments will also be pursued. The draft also signals that we will be reviewing and updating our internal processes and procedures and formulating appropriate performance measures/targets and reporting methods over the next year to ensure that we are working efficiently and effectively and providing relevant performance information to the Authority members and the public. Officers consider that it would be more appropriate for detailed performance measures to be formulated and implemented by relevant managers rather than being set out in the LEP. However, some higher-level measures/targets could be included in a future version of the Plan.

Internal Audit – Agreed Actions

16. The Authority's internal auditors (Veritau) carried out an audit of planning enforcement between September and December 2023. The conclusions in the final report were that there is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives. The overall opinion of the controls within the system at the time of the audit was that they provided 'Reasonable Assurance'.
17. The agreed actions to address the issues raised were as follows:
 1. Issue: Site Visit Delays - Vacancies will continue to be filled and training for new staff will be provided. Performance targets for enquiry site visits will be reinforced. Performance targets will also be reviewed to check if they are achievable with the available resources and amended if necessary.
 2. Issue: Case Resolution Delays - Vacancies will continue to be filled and training for new staff will be provided. High priority cases will be reviewed and it will be ensured that sufficient resources are devoted to seeking a timely resolution.
 3. Issue: Outdated Local Enforcement Plan - The Local Enforcement Plan will be reviewed and a draft updated version will be prepared. Member/Committee approval will be obtained and a revised Plan will be published. The new Development and Enforcement Manager will assume responsibility.
18. Action 3 is addressed in this report and, subject to committee approval, it is intended to publish the revised Plan. Actions 1 and 2 have been partially addressed as previous vacancies in relevant posts have now been filled. Training of new staff is ongoing and performance targets are being monitored by relevant managers. As mentioned in this report, over the coming months targets are also being reviewed within the new Planning Service structure and resources will be targeted towards high priority casework with a view to seeking timely resolution
19. Appendices
Appendix Local Enforcement Plan

