

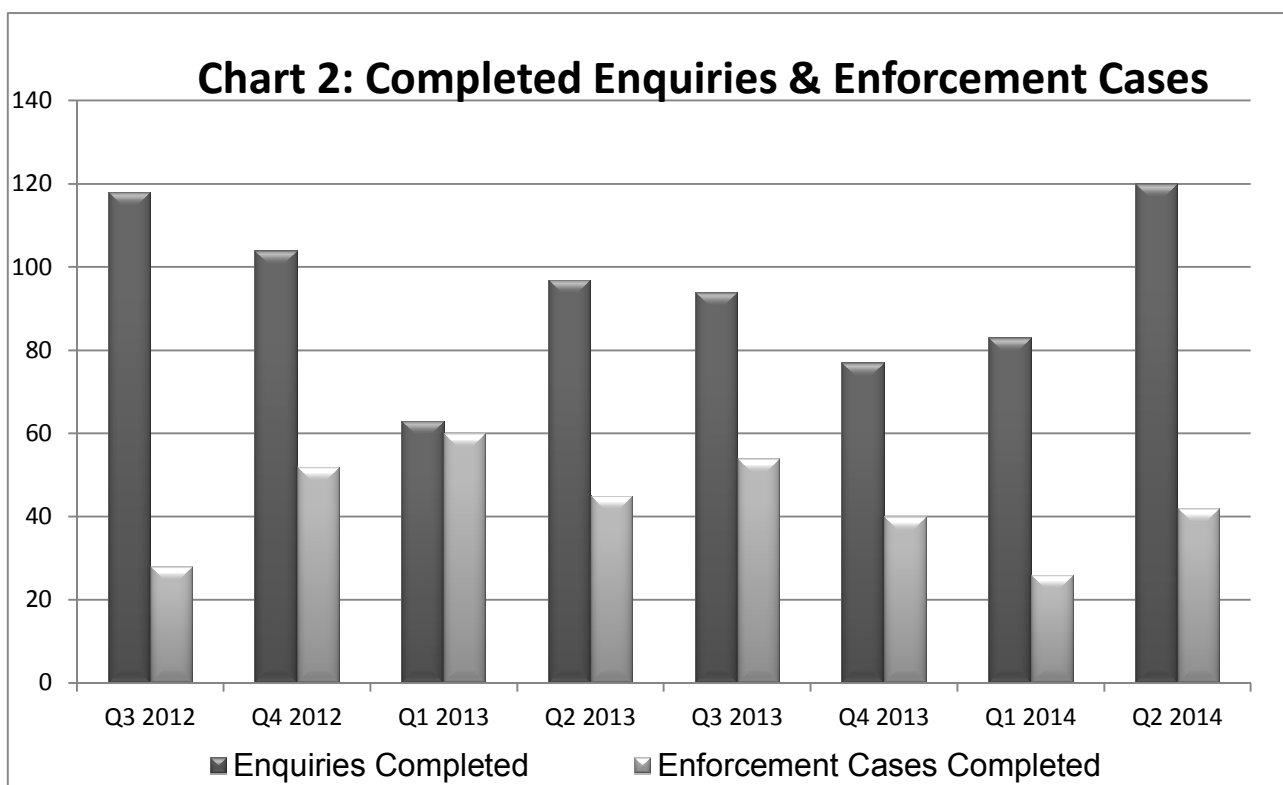
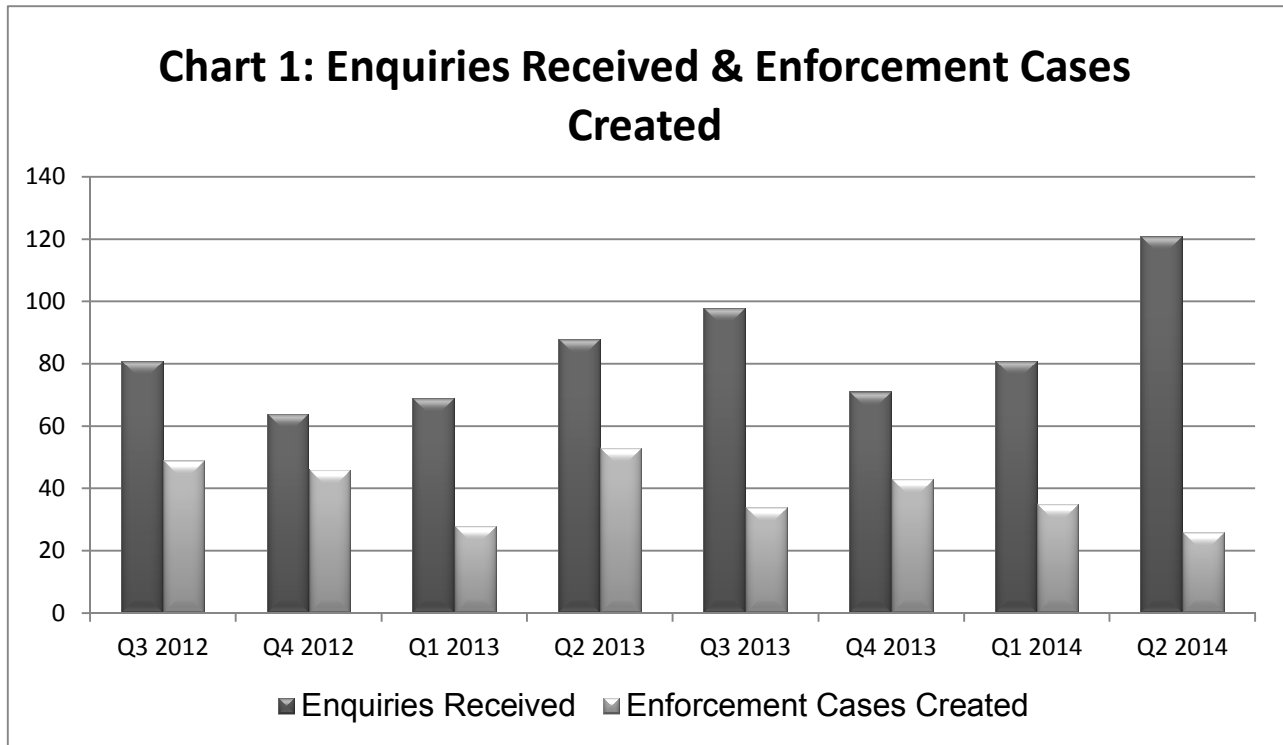
15. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JULY 2014 (A.1533/AJC)

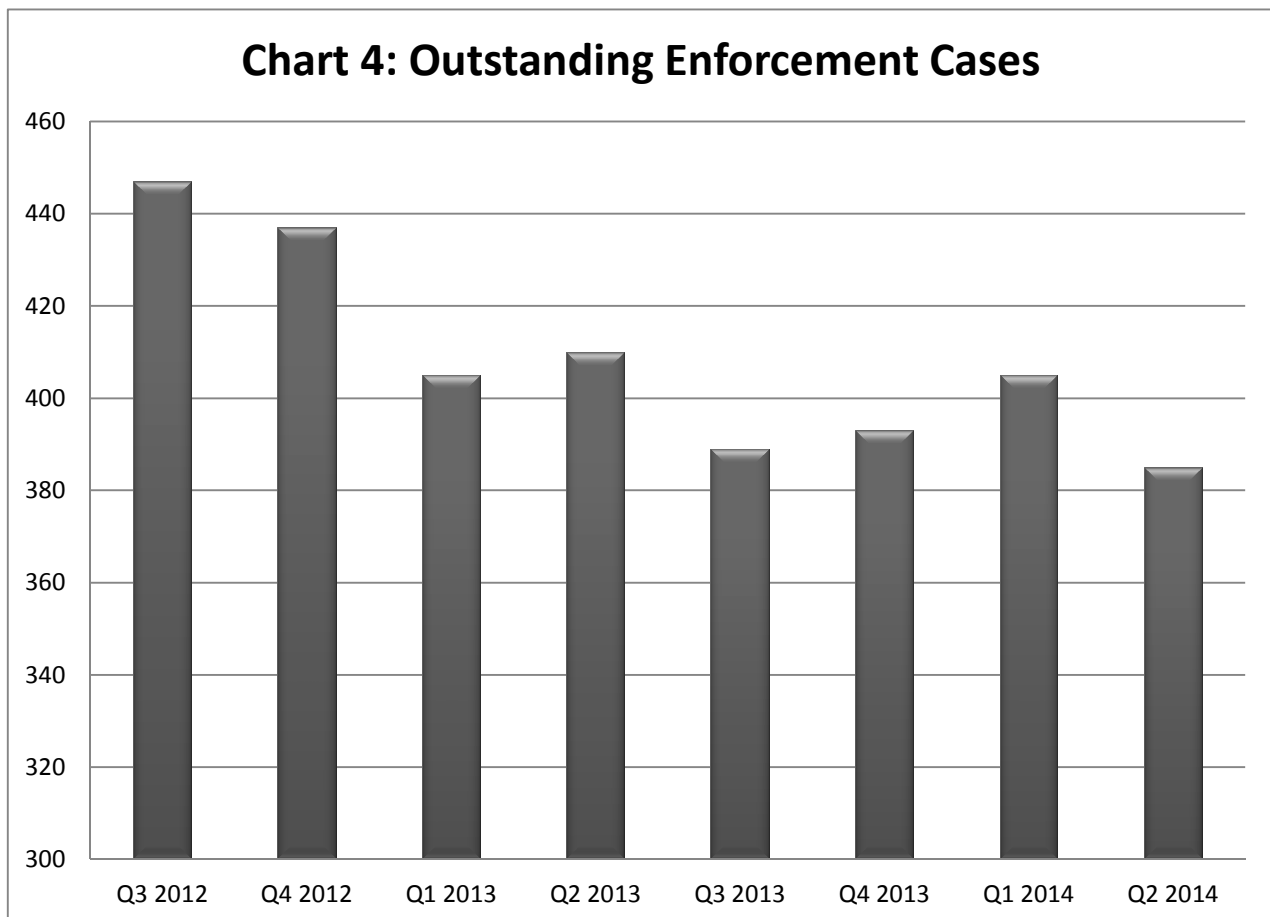
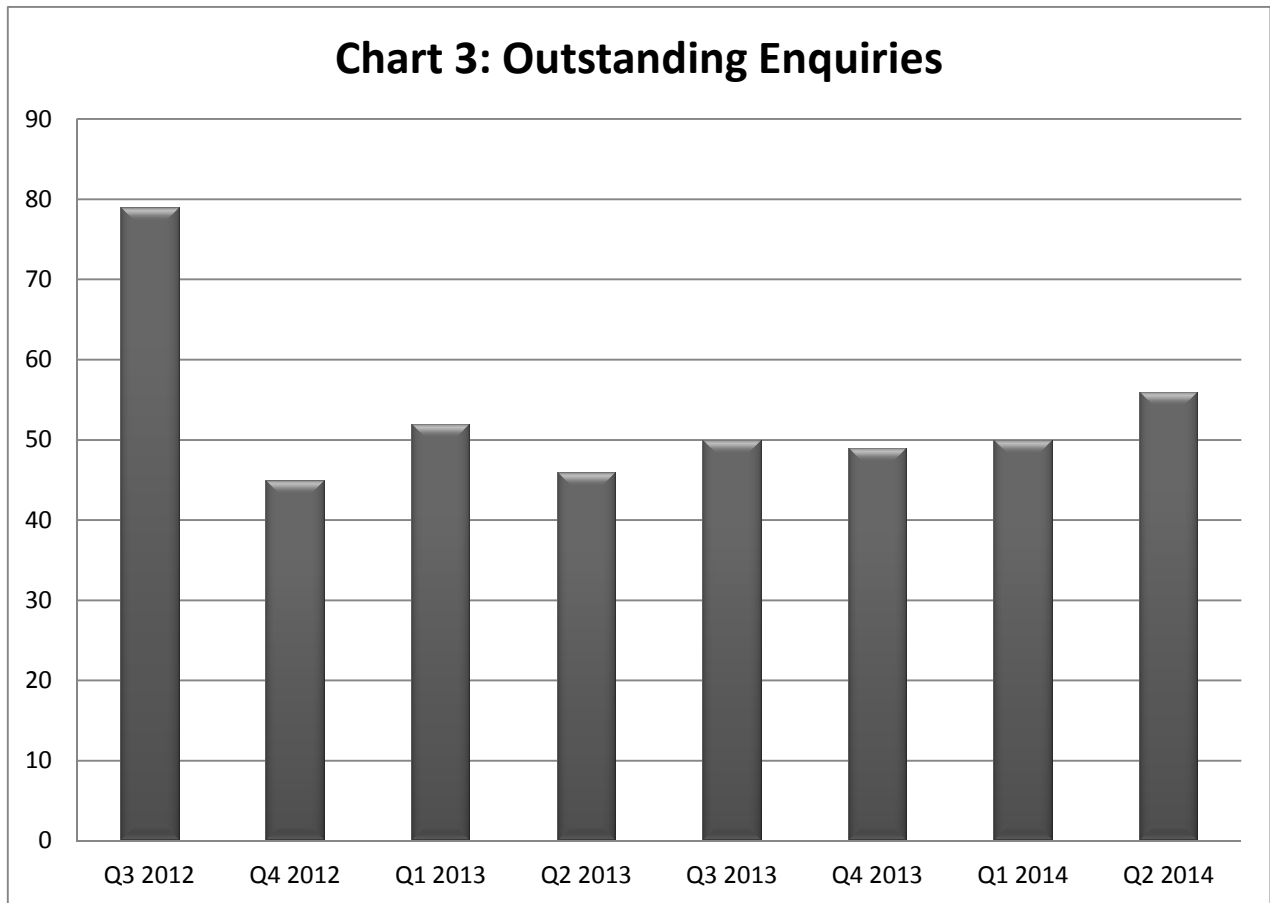
Purpose of the Report

This report updates the Committee on the work being carried out by the Monitoring & Enforcement Team within the Planning Service. It includes a summary of enforcement activity over the last two years and an update on the high priority cases.

RECOMMENDATION:

That the report be noted.





Interpretation of Charts

The above charts show a summary of activity in the team over the last two year period and below is a brief analysis of each chart.

Chart 1 – Enquiries Received and Enforcement Cases Created

This chart shows the number of enquiries received and the number of enforcement cases created for each quarter over the last two year period.

New enquiries are logged and acknowledged by the Customer Service Team and then allocated to Monitoring & Enforcement Officers to investigate. Our target is to carry out the initial investigation, usually a site visit, within four weeks and to conclude the investigation within six weeks. If, on investigating an enquiry, a breach of planning control is identified then an enforcement case is created. This is the case for approximately half of all enquiries investigated.

In general the number of enquiries received is higher in the spring and summer, probably due to greater building activity, for example, and lower in the autumn and winter. Apart from the current quarter (April – June), the number of new enquiries received each quarter over the last two years has fluctuated between 60 and 100. In the current quarter the number received has significantly increased to 121 and, if the seasonal trend continues, this high level is likely to continue into the next quarter. The number of enquiries outstanding reached a peak of 120 in the second quarter of 2012 but by the end of 2012 the number outstanding had significantly decreased to around 40 and has been maintained at a similar level since then.

Chart 2 – Completed Enquiries and Enforcement Cases

This chart shows the number of enquiries and enforcement cases completed each quarter over the last two years.

Over the last two year period the team's performance on investigating and completing enquiries has exceeded the number of enquiries received. Similarly, the number of enforcement cases completed has been greater than the new cases created. In the current quarter the performance on enquiries has been particularly strong, exceeding all previous quarters over the last two years. In the current quarter the number of enforcement cases resolved has increased to 42 from 26 in the last quarter. This is only one short of the average completions per quarter over the last year. The strong performance on completing enquiries and enforcement cases is particularly pleasing given the team resources issues mentioned below.

Chart 3 – Outstanding Enquiries

This chart shows the number of enquiries outstanding at the end of each quarter over the last two years. The outstanding number was significantly reduced from 79 to 45 in the final quarter of 2012 and has remained fairly static since then. The number outstanding is considered to be within manageable levels.

Chart 4 – Outstanding Enforcement Cases

Over the last two years the number of outstanding enforcement cases has decreased overall from 447 in the third quarter of 2012 to 385 in the current quarter. This is the lowest level since March 2010 when it stood at 371.

The Quarterly Enforcement Report

The quarterly enforcement report summarising activity on individual cases over the last three months is attached as an appendix to this report. It covers the period between 1 January and 31 March 2014.

Team Resources

The Monitoring & Enforcement Team permanent full-time establishment comprises a Team Manager, who also deals with casework, one Senior Monitoring & Enforcement Officer and two Monitoring & Enforcement Officers. Since 2010, additional funding has been used to create a temporary contract for an extra part-time Senior Officer post (0.6 FTE) and this currently runs until March 2015.

In July 2013 the full-time Senior Officer post became vacant following Chris Fridlington's temporary appointment as Area Planning Manager (South) to cover Sarah Foster's maternity leave. Additionally, in January 2014, the part-time Senior Officer, Alexandra Cotton, left the Authority. The vacancies created in the team have only been partially covered by a combination of appointing a replacement in the part-time Senior Officer role, and temporarily increasing the hours of that post and of other part-time posts in the Planning Service. Chris Fridlington returned to his full-time post in the team at the end of May.

The vacancies in the two Senior Officer posts during the last year, and resulting lack of continuity at that level, have inevitably affected performance on progressing some of the high priority cases.

Summary of High Priority Cases

The cases listed below have been assessed as high priority, normally due to the significant landscape impact and/or level of public concern raised. In each case, a summary of the current position and the intended next step is given. In some cases only limited information is given because of the potential for legal action being taken. A map showing the location of the high priority cases is included at the end of this report.

1. New Mixon Hay Farm, Onecote – use of the site for storage of building materials etc.

Formal enforcement action has been authorised but this action has been held in abeyance since March 2013 following an agreement with the landowner that he would clear stored materials from significant parts of the land.

Since then, officers have made a number of site inspections, the most recent in April 2014. A significant area of land alongside the access track has now been cleared of stored materials, as had been agreed with the landowner in March 2013, and other materials are in the process of being relocated.

At the latest visit in April 2014 it was noted that little progress had been made over the winter months due to the very poor weather and ground conditions. It is intended to continue to defer formal action and to make a further visit before the Committee. A verbal update will be given at the Committee meeting.

2. Tor Farmhouse, Middleton-by-Youlgreave – vehicle storage, alterations to the listed farmhouse, erection of agricultural building, erection of fence and untidy land

A site visit in December 2013 revealed that the agricultural building and fence had been dismantled and most of the materials removed. In addition, there had been some progress towards complying with the Section 215 Notice as the appearance of the top part of the site had improved. The occupier agreed to continue to tidy up the site between then and the end of April 2014 which was considered to be a reasonable time period, in view of the winter season.

With regard to vehicle storage, in December 2013 there were five more vehicles being stored on the site than allowed by the Enforcement Notice. The occupier was advised to remove these by the end of April 2014.

With regard to the UPVC window and door, the occupier was advised to consult with the Authority's Cultural Heritage team prior to removing the UPVC window and door for advice on the design specification for a replacement window.

At the Planning Committee in April 2014 it was stated that a site inspection was planned in May. Due to the vacancy at senior officer level this has been delayed although it is anticipated that an inspection will be made before the Committee and that a verbal update will be given at the meeting.

3. Midfield, Kettleshulme – siting and storage of residential caravan and storage of vehicles, vehicle parts, building materials and equipment

Following the death of the owner in January 2013 officers have been meeting regularly with his son who is keen to comply with the outstanding enforcement notice. Officers carried out three site inspections between May 2013 and October 2013 and during that period some significant progress was made on clearing the land of vehicles, scrap, etc and the residential caravan was removed.

A further inspection in January 2014 revealed that little further progress had been made but this was largely due to the poor weather and ground conditions. The latest inspection was made on 4 April when it was noted that considerable further progress had been made in clearing the site. In view of the progress that has been made over the past year it is not currently proposed to take any formal action but to continue with regular site inspections, at least every three months, to ensure that appropriate progress is made. A further inspection has been arranged on 10 July 2014 and a verbal update will be given to the Committee.

4. Middle Street Farm, Monyash – use of site as an agricultural/general contractor's base.

This case was initially added to the high priority list in February 2006 due to the significant landscape impact caused by the open storage of vehicles, equipment and materials associated with the unauthorised business use – resulting in a number of concerns being raised with the Authority. Between 2006 and 2010 the open storage was greatly reduced and was concentrated in the yard area close to the buildings which is largely screened from public viewpoints. The landscape harm has thus been mainly addressed and this is evidenced by the lack of public concern over the last four years.

In 2010, the owner submitted a planning application for continuation of the contracting use in the yard area incorporating use of one of the former agricultural buildings for workshop and storage purposes. Since then officers have been negotiating with the owner's agent regarding the terms of a possible legal agreement that could allow retrospective planning permission to be granted. Unfortunately, despite a number of requests for progress to be made the agreement has not yet been completed. Given the time that has passed officers have now set a deadline of the end of July 2014 for significant progress to be made towards completing the agreement otherwise the application will be treated as 'finally disposed of' and no further action will be taken on it. In that event officers would then review whether any enforcement action should be pursued.

5. Home Farm, Sheldon – storage of caravans, use of part of guest house as tea room and excavations and erection of building

In April 2013 an enforcement notice was issued with regard to an extension and excavations at the rear of the guest house. However, in November 2013 an appeal was allowed and planning permission granted for the development subject to conditions requiring a scheme of mitigating measures to be agreed and implemented. An application seeking to discharge the conditions was submitted in February but this did not satisfy all the appeal inspector's requirements. A further application to discharge the conditions has now been submitted and is currently being considered by officers. As part of the work to complete the underground extension, the western half of the barn frame at the rear of the guest house has been demolished and a further large hole has been excavated at the rear of the guest house. The latest position regarding these most recent excavations will be reported verbally to Members at the

Committee meeting.

In August 2013 two further enforcement notices were issued seeking to address the use of part of the property as a tea room/cafe, temporary planning permission for which expired in April 2013. The notices came into effect on 27 September 2013 and were due to be complied with by 27 October 2013. In March a planning application to continue the tea room use was received but this was refused under delegated powers on 30 May. The tearoom/café use is continuing to operate, but it is understood that an appeal is being submitted in the very near future, the outcome of which will be awaited prior to pursuing any further enforcement action regarding the tearoom/café use.

Officers have had many meetings with the owner and his advisers and are continuing to seek a satisfactory resolution of the outstanding matters. Officers have also met with the Parish Meeting and are continuing to keep the Parish Meeting and village community updated.

6. Fernhill Cottage, Hollow Meadows – engineering operations and partial erection of building

At a court hearing in July 2012, the owner pleaded guilty to non-compliance with an enforcement notice, which requires restoration of the land and removal of walls, but he was conditionally discharged.

In February the Planning Committee considered a report, on the non-public part of the agenda, which set out the options for further action. It was resolved that authority be given in principle for direct action to secure compliance with the enforcement notice but that such action be deferred for a period of six months (that is, until mid-August 2014) to allow for negotiations with the owners over a suitable scheme and the submission and determination of a planning application. It was also resolved that, before taking any direct action, officers carry out an equality duty assessment.

Officers are continuing to seek a meeting with the owners and are in correspondence with the owner's solicitor.

7. Land and Buildings East of Lane End Farm, Abney – residential caravan, erection of access ramp and occupation of building in breach of holiday occupancy condition and highways conditions.

Two enforcement notices were issued in February 2012. Following appeals, which were heard at a public inquiry in August 2012, the residential caravan was due to be removed by 6 March 2013. In October 2013 officers met the owner's agent on site and it was apparent that the one remaining caravan (which is placed inside a building) was not in use for residential purposes. The owner's agent stated that it was being used as a shelter/messroom in connection with authorised activities on the site. A further meeting was held with the agent in early December 2013 at which the agent agreed actions to deal with other outstanding matters including the erection of a disabled access ramp and non-compliance with a number of conditions attached to the 2003 planning permission for conversion of barns to holiday accommodation

At the Planning Committee in December 2013, it was resolved to approve a planning application for conversion and change of use of the first floor of one of the traditional buildings to an open market dwelling, subject to a section 106 legal agreement. The legal agreement has not yet been completed. The enforcement options will be reviewed after a reasonable time has been allowed to progress the agreement and to allow planning applications to be made to regularise some of the outstanding breaches and provided that there is no permanent residential use in breach of the outstanding enforcement notices.

8. Shop Farm, Brandside, near Buxton – siting and storage of caravans, vehicles etc.

The Authority took direct action in September/October 2010 to remove a significant quantity of derelict vehicles, scrap and general refuse to secure compliance with a previous enforcement

notice. The enforcement case was then closed. The owner, who had been living elsewhere, subsequently moved back to the site and brought a number of items such as caravans, vehicles, old furniture and waste building materials onto the land. The landowner has also constructed a number of makeshift shelters, apparently for her sheep, from fabric, string and wood.

In terms of formal action, it appears that further direct action is the only realistic option open to the Authority. However, in view of the fact that the land owner is elderly and appears to be of limited means officers do not consider that such action is appropriate at this stage. Due to the vacancy at senior officer level no further progress has been made on this case in the last three months.

9. Five Acres Farm, Wardlow – use of site for parking and maintenance of HGVs and trailers.

In March 2013, an enforcement notice was issued with regard to the parking and maintenance of heavy goods vehicles and trailers. The notice came into effect on 23 December 2013 following an unsuccessful appeal. A concurrent appeal against the refusal of planning permission for “*use of yard for parking 2 lorries for commercial use, recreational vintage lorry and recreational competition tractor hauling unit, all in addition to existing use of yard for agricultural purposes*” was also dismissed. The four-month period for compliance with the enforcement notice expired on 23 April 2014. On 15 April 2014, an application for a lawful development certificate in respect of the parking of HGV lorries with trailers was refused by the Authority.

The owner’s agent informed officers at the beginning of May that no haulage lorries were being parked on the site, as required by the enforcement notice. Officers have made a number of site inspections since then and it does appear that the parking and maintenance of heavy goods vehicles and trailers has generally ceased. Officers will continue to monitor the situation and, if there is no resumption of the haulage use the enforcement case will be closed. In that event, the enforcement notice would remain in place so that action could be taken against any future resumption of the use, in breach of the notice.

Appendix 1 – Quarterly Enforcement Report

Appendix 2 – Map showing location of high priority enforcement cases