
19. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2016 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team in the last quarter (October – December 2015). The majority of breaches of planning control are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning and Planning Team Managers.

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 and any action taken will need to be proportionate with the breach of planning control to which it relates. 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. It must also be clear that resolving the breach would be in the public interest.

The NPPF 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. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website or in paper form.

It should be noted that at the end of the current quarter (31 March 2016) the part-time Senior Monitoring & Enforcement Officer post, which was created in 2012 and has been renewed each year on a temporary contract basis since then, will not be renewed. This means that the Monitoring & Enforcement Team will return to the full-time establishment of four officers. This will inevitably have an impact on the capacity of the Team to deal with the current level of casework.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices have been issued in the following cases this quarter:

None

(b) The following breaches have been resolved this quarter:

09/0082 Land at Highcliffe Near Eyam	Siting of yurts	Yurts removed
15/0104 White Lodge Calver Road Baslow	Erection of advertisement sign	Sign removed

15/0016 Converted Shippon West End Cottage Townhead Eyam	Unauthorised use as holiday let	Planning permission granted
06/0135 Barn Farm Birchover	Use of land for caravanning and camping in excess of permitted numbers and duration of stay, and use of areas without planning permission	Planning permissions granted for additional areas. No evidence of current breach of conditions
12/0042 Sheffield Pet Crematorium Hollow Meadows Sheffield	Erection of a building and use as a dwelling house	Enforcement notice issued and use as dwelling house ceased. Planning permission granted for use of building in association with crematorium
15/0072 Bank House Hollinsclough	Creation of hardstanding/foundation for barn	Planning permission granted
10/0070 Land off Binn Lane Marsden	Erection of animal shelter and creation of track/access	Planning permission granted for track/access. Shelter immune from enforcement action
10/0101 Crown Cottage Winster	Listed Building Installation of flue pipe and breach of conditions regarding windows on NP/DDD/0109/0031 & NP/DDD/0906/0824 and 0828	Not expedient to pursue enforcement action
14/0610 25 Fulwood Lane Sheffield	Erection of garage	Garage removed
10/0196 Bempton House Main Road Nether Padley Grindleford	Non-compliance with approved plans for extension of garage and conversion of roofspace to office	Immune from enforcement action
15/0017 Withamley House Bradfield Sheffield	Erection of replacement dwelling (planning permission previously granted for alterations and extensions, but building substantially rebuilt)	Planning permission granted
13/0127 1-5, Victoria Terrace Great Longstone	Change of use of land to domestic garden, Erection of rear extensions to 1 & 3.	Planning permissions granted for extensions Not expedient to pursue change of use

15/0009 Paddock House Farm Alstonefield	Residential caravan	Caravan removed
14/0553 Land Opposite Peach Lodge Foolow	Erection of wooden building	Building removed
09/0132 Damside Farm Damside Lane Peak Forest	Residential caravan	Caravan removed
11/0206 Bridge House Farm Rowsley	LISTED BUILDING. Replacement of picking hole with window and creation of first floor office	Listed building consent granted
14/0285 Knowle Farm Fox Lane Holmesfield	LISTED BUILDING Satellite dish on south elevation	Satellite dish removed
15/0068 Moorview Carr Lane Bamford	Erection of building	Planning permission granted
15/0067 The Old Wool Shop High Street Tideswell	Unauthorised change of use from A1 (shop) to A3 (food and drink)	Planning permission granted
15/0122 Former Coal and Haulage Depot Site Moorlands Lane Froggatt	Non-compliance with approved plans for erection of dwelling	Non-material amendment granted
11/0012 Hammerton Hall Farm Litton	Breach of conditions 4 (rendering of exposed concrete panels), 5 (dark staining timberwork) & 7 (landscaping) on planning permission for agricultural building (NP/DDD/0310/0304)	Condition 5 complied with. Not expedient to take enforcement action in respect of conditions 4 & 7
11/0100 Holmelacy Farm Tideswell	Extension of agricultural building to house a residential caravan	Immune from enforcement action
15/0033 6 New Road Eyam	Use of part of dwelling as self-catering accommodation	Planning permission granted

09/0181 Hayloft Cottage Holly House Farm Flagg	Erection of external chimney stack in breach of conditions attached to permission for conversion of barn to dwelling (NP/DDD/1106/1017)	Not expedient to take enforcement action
10/0106 Land near the junction of the B5054 and A515 Newhaven	Advertisement sign (for Dauphin Antiques, Hartington)	Sign removed
13/0155 Crumbly Cottage Eagle Tor Birchover	Extension not in accordance with approved plans and conditions	Planning permission granted
13/0111 Hardingsbooth Farm Longnor	Breach of landscaping conditions on planning permission for extension to agricultural building and creation of slurry store	Conditions now complied with
14/0550 Land at Stanedge Road Bakewell	Creation of hardstanding on agricultural land	Permitted development
15/0075 Netherfield Conksbury Lane Youlgrave	Development being carried out in breach of conditions attached to permission for extension to dwelling (NP/DDD/0913/0805)	Conditions discharged
15/0111 Diggle Mill House Diggle	Creation of window openings	Permitted development

Overview of Caseload

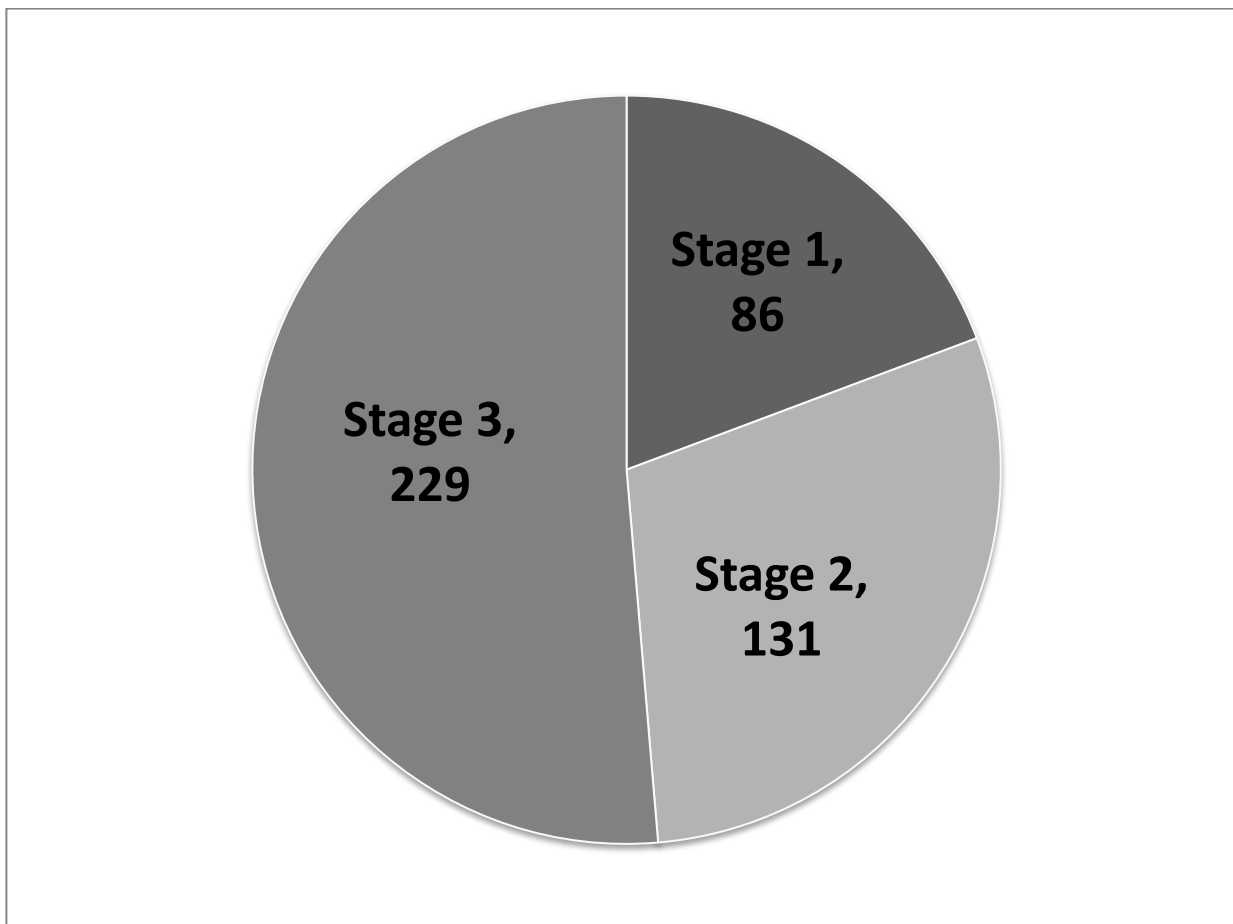
The following table provides an overview of the Team's caseload. Figures for the preceding quarter are shown in brackets :

	Received	Investigated/Resolved	Outstanding
Enquiries	100 (96)	88 (93)	90 (80)
Breaches	41 (34)	30 (24)	438 (431)

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be 'not expedient' to take enforcement action because of the nature or impact of the development/breach; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage cases are progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we are making more use of Planning Contravention Notices and giving a clearer indication to owners that

the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Stage 1 a delegated decision not to take enforcement action is normally made at the outset and we do not normally devote resources to seeking the submission of an application.

The following chart shows the outstanding breaches broken down into each of the three stages.



High Profile Cases

The following cases are those which are considered to be of particular interest to Members due to the nature of the breach(es) and/or the high level of community concern.

Case Reference	Breach	Current Position
05/0087 New Mixon Hay Farm Onecote	Use of land for storage of building materials, vehicles, scrap etc	Site meeting held May 2015. Owner being encouraged to continue clearing stored materials.
06/0010 Midfield Kettlehulme	Storage of vehicles, vehicle parts, building materials and equipment	Enforcement notice in place. Owner is in process of clearing site. Regular site meetings being held to check on progress.
08/0104 Fernhill Cottage, Hollow Meadows	Excavations and re-profiling works and erection of walls/buildings	Enforcement notice in place. Discussions ongoing with new agents over submission of application for access drive etc.

11/0015 Home Farm Sheldon	Excavations at rear of guest house, laying of stone on land and insertion of windows and doors in	Discussions ongoing over a suitable scheme following refusal of application for conversion of buildings and erection of extensions in November 2014.
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