

DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

18 DECEMBER 2018

OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the six-monthly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st April 2018 to 30th September 2018.

2. ACTIVITY DURING THE PERIOD

- 2.1 The Enforcement function is a key element of Development Management that is currently under significant pressure. It receives a high number of complaints about breaches of planning control, and expectations of an efficient, responsive service are high amongst the public and Members. The enforcement team currently has reduced capacity, with fewer (and less experienced) staff members than the in the previous 6 months so they are under extreme pressure.
- 2.2 The following is a small example of some of the cases that have been investigated by the Team.
- 2.3 **Corner of Newbould Lane and Broomfield Lane** - Two large banners had been hung from the building. Section 225 Notices were served, resulting in the removal of one of the banners. A follow up letter and the threat of prosecution resulted in the removal of the second banner.

Before



After



- 2.4 **Derbyshire Lane** - Three complaints were received regarding a high fence which had been erected to the front of a property. The fence measured 2.25m at the highest point (permitted development height for

a fence adjacent a highway is 1m). Letters were sent to both the tenant and landlord of the premises requesting that the fence be reduced to the permitted 1m height. The tenant responded to this stating that the fence was erected for his privacy and was reluctant to remove the fence. Further conversations and letters sent to the tenant and landlord resulted in the fence being removed.

Before



After



- 2.5 **Ashgate Road** - Two complaints were received on the 29th August concerning copper pipes which were in the process of being fixed to the front of St Marks Church Hall on Ashgate Road in Broomhill, in a Conservation Area. A site visit was conducted on the following day and the contractor was advised that the building was in a Conservation Area, and as it was used as flats had no permitted development rights and these pipes being erected did not have permission. Officers managed to get out on site before the pipework was finished and connected, resulting in the removal and rerouting of the pipes.

Before



After



- 2.6 **Abbeydale Road South** - Enquiry received to state that a condition requiring the removal of a section of boundary fence had not been complied with and the fence remained in situ. Initial letter sent, along with a section 330 Notice resulted in the fence being removed within 30 days of complaint.

Before



After

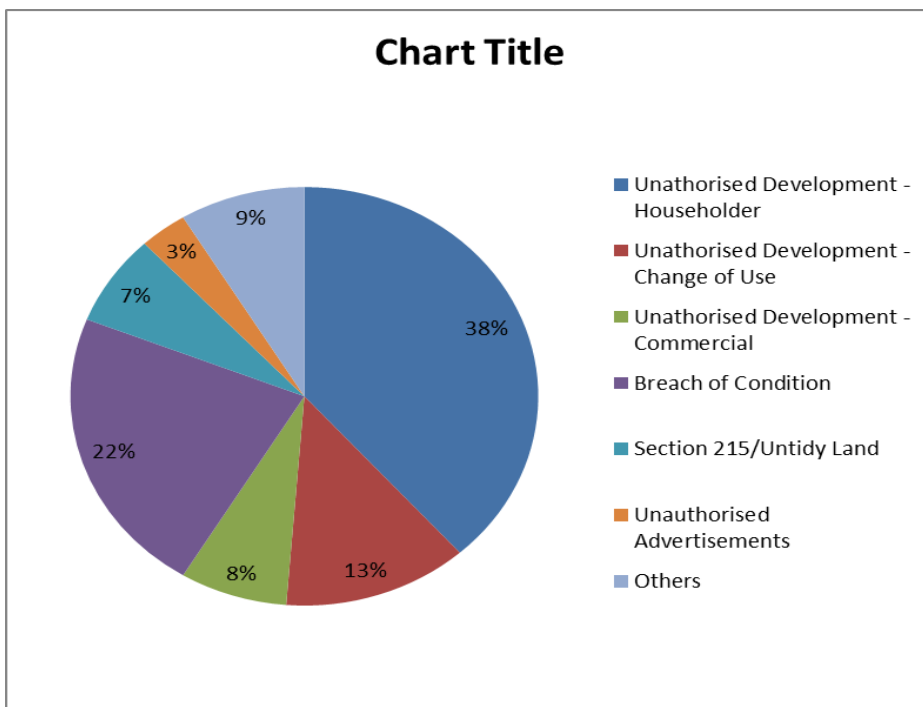


- 2.7 **White Waters – Station Road, Halfway, S20** - Whilst on site, officers noticed a building that had been erected in the Green Belt Area and was being used for residential purposes without planning permission. The owner of the site stated that the building had been used in this way for more than 4 years (if the building has been used as a single dwellinghouse form more than 4 years it becomes immune from enforcement action) and he had evidence to show this. An application for a Certificate of Lawful Development was submitted to show that the building had been used as a dwellinghouse for more than 4 years. The applicant was unable to provide sufficient evidence to demonstrate that the building had been used in this way for more than 4 years and therefore the application was refused with Enforcement action. The two Enforcement Notices were served in parallel to meet any argument, on appeal, as whether the alleged breach of planning control was a material change of use or operational development. Both Notices were appealed against on ground (a) that planning permission should be granted and on ground (g) that the timescale for compliance is too short. However, originally the appellant also appealed on ground (b) that those matters have not occurred and on ground (d) that at the date the notice was served, no enforcement action could be taken, these were subsequently withdrawn. The reason for this was the Council was able to provide strong evidence to show that the building had not been there for more than 4 years. The notices were subsequently upheld. Partial costs were also awarded in respect of the appeal on ground (b), and ground (d). The owner has 6 months to stop the unauthorised use and remove the building.



3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT

3.1



3.2 A total of 242 enforcement complaints were received, out of these 59% were concerned with unauthorised development and use, and 22% were failure to comply with planning conditions or approved plans. The number of cases involving Section 215 untidy land/buildings was 7%,

unauthorised advertisements including hoardings were 3% and all other complaints were 9%.

3.3 The number of cases resolved within the target of 6 months was 49% of all the cases closed in the period. This has fallen short of the Service target of 60% for cases closed within 6 months, but it has increased by 8 % from the last 6 months. The low percentage is the effect of a loss of experienced members of staff.. There are currently 567 live cases, which is 27 cases fewer than the previous 6 months.

3.4 The table below shows the number of complaints received in the last year 2017/18 and the previous year 2016/17:-

| Year 1 st Oct 2016 – 30 th Sept 2017 | Year 1 st Oct 2017 – 30 th Sept 2018 |
|---|---|
| 622 | 433 |

3.5 There has been a drop in the number of cases received over the last 12 months compared to the previous 12 months. This has mainly been through some ongoing changes and filtering of enquiries on submission, changes such as, requesting that an enforcement enquiry from to be completed in full wherever possible before a complaint is investigated formally, not registering verbal or anonymous complaints, unless there appears to be a significant harm. Furthermore, Officers have not been able to carry out as much proactive enforcement action particularly relating to “To Let” signs as in previous years.

4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within the last year 2017/18 and the previous year 2016/17 to show trends: -

| Notice type | Year 1 st Oct 2016 to 30 th Sept 2017 | Year 1 st Oct 2017 to 30 th Sept 2018 |
|---------------------------|--|--|
| Breach of Conditions | 13 | 1 |
| Discontinuance (adverts) | 0 | 0 |
| Enforcement | 16 | 7 |
| Stop | 0 | 0 |
| Temporary Stop | 1 | 1 |
| Section 215 (untidy land) | 1 | 1 |
| Section 225 (signs) | 12 | 9 |
| Total Notices Served | 43 | 19 |
| Prosecutions | 8 | 4 |

4.2 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters to show trends: -

| Notice type | 1 st half yearly 1 st Oct 2017 – 31 st Mar 2018 | 2 nd half yearly 1 st Apr 2018 – 30 th Sep 2018 |
|---------------------------|--|--|
| Breach of Conditions | 0 | 1 |
| Discontinuance (adverts) | 0 | 0 |
| Enforcement | 4 | 3 |
| Stop | 0 | 0 |
| Temporary Stop | 1 | 0 |
| Section 215 (untidy land) | 1 | 0 |
| Section 225 (signs) | 3 | 6 |
| Total Notices Served | 9 | 10 |
| Prosecutions | 4 | 0 |

4.3 The number of formal Notices that have been served in the last 6 and 12 months has decreased significantly. This has been due to a number of reasons, but mainly because of the significant reduction in experienced staff. Although only limited formal notices were issued, many cases were resolved by negotiation.

5. CONCLUSION

5.1 Ongoing staffing and resources issues have resulted in the six month service target not being met and the number of Notices served and prosecutions carried out have also dropped. Nevertheless, the service continues to respond effectively to the most serious breaches of planning control.

6. RECOMMENDATION

6.1 This report is for noting