

## DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

23 JULY 2013

#### QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

##### 1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> April to 30<sup>th</sup> June 2013.

##### 2. ACTIVITY DURING THE QUARTER

- 2.1 A total of 189 enforcement complaints were received out; of these 53% were concerned with unauthorised development and 17% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 5% and unauthorised advertisements were 18% and all other complaints were 7%.
- 2.2 The number of cases resolved within the target of 6 months was 64% of all the cases closed in the period, which is more than the target of 57%. Almost 45% of these cases have been either remedied or made acceptable.
- 2.3 The table below shows the number of Notices served and prosecutions carried out within this period and the period between 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013: -

Notice type	Year to Jun 2013	Quarter 1 Apr – Jun 2013
Breach of Conditions	4	2
Discontinuance (adverts)	3	0
Enforcement	22	2
Stop	4	0
Temporary Stop	3	0
Section 215 (untidy land)	15	0
Section 225 (signs)	10	5
Total Notices Served	61	9
Prosecutions	7	1

- 2.4 Not as many Notices were served in this quarter, yet through negotiation, many cases were resolved, as in the case of a householder who had built a garage and a high fence on his property without planning consent. In addition to this, allegations were made that the garage and property were being used in connection with a scrap metal business. This led to Officers meeting the owner and negotiating the removal/relocation of the garage, reducing the height of the fence so that it was considered acceptable and to stop the unauthorised use. The owner removed the garage and reduced the height of the fence within a short period of time and the use has also stopped. In some cases this is much quicker and less time consuming for all parties than using formal Notices.
- 2.5 Enforcing breaches of planning control can be a long and complex process as application, appeal and legal processes need to be followed. Officers have dealt with a complex and lengthy case which came to a satisfactory conclusion recently. Planning permission was granted for 4 detached houses in two blocks of two houses to replace the 4 semi-detached timber hut houses that were originally temporary houses for construction workers building the dams in Ewden Valley which is within a Green Belt Area. In 2009, the owner built all 4 houses far in excess of what was approved. They were higher, wider and longer and they were spaced 7m apart at one block and over 10m in the other. One of the houses was also built at a completely different orientation to the approved plans. In addition to the above the owner also erected a chalet type living accommodation in the area near to one of the houses without planning permission and housed a tenant within it. Enforcement and Stop Notices were served to demolish all 4 houses and to remove the chalet type building. These Notices were appealed and subsequently dismissed by the Planning Inspectorate. The owner was also prosecuted for non-compliance with the Enforcement Notice. Retrospective planning applications were also submitted and subsequently refused and then two separate amended schemes were approved which were close to the original approved plans. In spite of the new approvals the owner still built the houses bigger than approved, with one of them in the wrong location. One of the houses has been demolished twice and rebuilt twice. Further amended plans were submitted to correct small deviations from the plans, even after the new approvals. Finally in May 2013 all 4 houses were built in the correct position and to the correct size and design. The chalet has also been removed and the tenant has now moved into one of the new approved houses.
- 2.6 Recently, under the stuck site initiative, Council have carried out works in default of the S215 notice to abate a long standing nuisance of an untidy property. The photographs below show the property in question before and after the works having been carried out to make the property satisfactory.

Before



After



### 3. CONCLUSION

- 3.1 The six month service target has been exceeded by 7%. The number of complaints remedied or made acceptable in the last six months has increased by 3% and the number of complaints received in this quarter has also substantially increased by 31% compared with the last quarter.
- 3.2 The team is performing well since the deletion of the Enforcement Manager post in April 2013 as part of required budget savings. An achieving change process is in hand to find a long term solution for the future supervision and leadership of the team.

### 4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.

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