

**Decision Maker:** Development Control Committee

**Date:** 31 August 2010

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** ENFORCEMENT - QUARTERLY MONITORING REPORT

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**Chief Officer:** Chief Planner

**Ward:** Borough-wide

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## 1. SUMMARY

- 1.1 A report on the Enforcement of Planning Control was submitted to DCC on 25 May 2010. An earlier report to DCC in 2008 assessed the effectiveness of the planning enforcement service in Bromley and formulated a draft enforcement policy to provide a basis for decision-making including priorities for enforcement and made a number of recommendations for improving enforcement service delivery. At the meeting on 25 May a joint presentation was given by the Planning and Legal Departments to explain the procedures for investigating and rectifying breaches of planning control.
  - 1.2 At the meeting on 25 May 2010 it was resolved that monthly enforcement updates would be provided to individual Members in relation to complaints they had raised or had been involved with and to other Members in the wards where the complaint was located.
  - 1.3 It was also resolved to increase the frequency of enforcement monitoring reports to DCC from twice yearly to every quarter. This report represents the first quarterly report in order to improve the means of informing Members on the progress of enforcement cases generally although it is not the intention to provide detailed updates on individual cases.
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## 2. RECOMMENDATION

- 2.1 Members note the report.

### Corporate Policy

1. Policy Status: <please select>.
  2. BBB Priority: <please select>.
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### Financial

1. Cost of proposal: <please select>
  2. Ongoing costs: <please select>.
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: <please select>
  2. Call-in: <please select>
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? <please select>
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

3.1 In 2009 the Council received 944 new complaints concerning alleged breaches of planning control, representing an average of approximately 80 new cases per month. In the second quarter of 2010, 270 new complaints were received compared with 210 in the first quarter of the year. This maintains the rate of new cases which were received in 2009 and represents an estimated total of 960 new complaints in 2010 in addition to cases currently under investigation.

3.2 In the period 1 January 2010 to 30 June 2010, 46 enforcement notices were issued made up as follows:

Type of Notice	Number of Notices
Operational Development	19
Material Change of Use	5
Untidy Site	7
Breach of Condition Notice	12
Planning Contravention Notice	2
<b>TOTAL</b>	<b>46</b>

In the first six months to 30 June 2010, enforcement action was authorised in 98 cases and the Council's solicitors have been instructed to prepare and issue the notices.

3.3 All complaints are investigated in accordance with the Council's enforcement policy but, given the limited resources available, work has to be prioritised according to the degree of urgency. Priority is given to investigating complaints concerning unauthorised building operations in progress, works to listed buildings and development likely to cause harm to the green belt and conservation areas.

3.4 A wide range of complaints are received but the most common relate to building operations (approximately 31%), untidy sites (13%), commercial activity in particular at residential properties (9%) and works not in accordance with approved plans (7%). However, many complaints are received which relate to non-planning matters including boundary disputes, anti-social behaviour, noise nuisance or other civil matters which lie beyond the scope of planning control.

3.5 With regard to prosecutions in the period to 30 June 2010, Advertisement Proceedings have been authorised in 12 cases where summons are being issued. Prosecutions have also been authorised in 8 cases for breach of effective enforcement notices.

3.6 There have been 2 applications to the Courts for injunctions so far this year and it has also been necessary to apply for warrants in 2 cases in order to gain access to premises.

3.7 There have been a number of significant enforcement cases over the period which are worthy of note:

**Sheetings Farm, Biggin Hill** – committal proceedings against breach of undertaking following injunction proceedings requiring compliance with effective enforcement notices to remove waste material from land.

**14 Broomwood Road, St Pauls Cray** - direct action undertaken to clear an untidy site to ensure compliance with an effective S215 Notice.

**39 Selby Road, SE20** – Breach of effective enforcement notices. Prosecution commenced but awaiting trial. Direct action authorised.

**Archie's Stables, Cudham Lane North** – unauthorised occupation of land as traveller site. Injunction proceedings and enforcement action authorised, pending determination of current application.

**Hampton House, 1A Holbrook Hall** – successful prosecution concerning failure to comply with BCN. Appeal against sentence dismissed. Authority to take direct action.

**Highfield Farm, Layhams Road** – appeal dismissed and enforcement notice upheld. Compliance period expired April 2010. Proposed prosecution and injunction proceedings.

**32 Hillcrest Road, Biggin Hill** – breach of effective notice requiring removal of decking. Appeal recently dismissed and prosecution pending. Direct action authorised.

- 3.8 There are few signs that the level of enforcement activity in Bromley has been significantly affected by the economic recession in terms of the number of complaints received. The level of complaints has remained relatively constant in recent years at around 1000 per year and shows no sign of reducing in the same way as planning applications and appeals.
- 3.9 Within the last 6-9 months the Planning Investigation section has been affected by the retirement of 2 experienced enforcement officers, of whom only one has so far been replaced. In addition, the section's technical clerk retired in July and has so far not been replaced. A third Investigation Officer has been appointed but has not yet taken up his duties. This has inevitably had an impact on the investigation of complaints. In the interim a planning officer has been temporarily seconded from the Appeals section to assist with the enforcement workload.