

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 10 April 2014

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

Title: ENFORCEMENT MONITORING REPORT
(JANUARY TO DECEMBER 2013)

Contact Officer: John Stephenson, Planning Investigation Officer
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Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from January to December 2013.

2. RECOMMENDATION(S)

Members note the report

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: N/A
 2. Ongoing costsN/A
 3. Budget head/performance centre: Planning – Appeals and Enforcement Section
 4. Total current budget for this head: £285k
 5. Source of funding: Existing revenue budget 2013/14
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Staff

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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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? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In the period January to December 2013 the Council received 627 new complaints about alleged breaches of planning control, representing an average of 52 new cases per month. These are summarised in the attached table (**Appendix 1**). This compares with approximately 762 complaints received in 2012 representing an average of 63 new cases per month.
- 3.2 In terms of enforcement activity 74 enforcement notices were issued in respect of breaches of planning control in the period January to December 2013.

| Type of Notice | Number of Notices |
|-------------------------------|-------------------|
| Operational Development | 34 |
| Change of Use | 6 |
| S215 (Untidy site) Notice | 16 |
| Breach of Condition Notice | 8 |
| Planning Contravention Notice | 10 |
| Stop Notice | 0 |
| Total | 74 |

- 3.3 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.
- 3.4 A wide range of complaints is received but the most frequent relate to operational development (37%), not built in accordance with plans (13%), untidy sites (10%) and change of use (10%). A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control.
- 3.5 In cases where an enforcement notice has been effective and not been complied with the Council may exercise its powers of prosecution. The Council's solicitors are currently in the process of prosecuting on the following types of breaches of planning control in line with our current planning enforcement policy.
1. A property in SE20 – unauthorised sub-division to create 5 flats, alterations to roof to increase height, rear extension and stairwell together with an alteration to its shop front.
 2. A property in BR1 – over height fence to front boundary.
 3. A property in TN16 – unauthorised decking.
 4. Land in TN16 – development including hard standing within Green Belt.
 5. Shop in BR2 – unauthorised installation of external roller shutters.
 6. Shop in BR6 – for the unauthorised display of an advertisement.
- 3.6 In June 2012, Members decided to approve a Planning Enforcement Policy which was published on the Council's website and is now available for all our service users.

This policy will enable our service users to see our current procedures, policies and reasons if and when we consider taking enforcement action and the types of action that we take to remedy breaches of planning control.

It will give our service users an understanding of the many different types of allegations and how we prioritise our sometimes conflicting priorities.

Complaints about alleged breaches of planning control will be dealt with in accordance with these procedures and principles as set out in this policy document.

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| Non-Applicable Sections: | Policy Implications, Financial Implications, Legal Implications, Personnel Implications |
| Background Documents: (Access via Contact Officer) | n/a |