

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 9 June 2015

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

Title: ENFORCEMENT MONITORING REPORT
(APRIL 2014 TO MARCH 2015)

Contact Officer: John Stephenson Development Control Manager Planning Appeals and Investigation
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Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from 1st April 2014 to 31st March 2015

2. **RECOMMENDATION**

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: Not Applicable:
 2. Ongoing costs: Recurring Cost:
 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: Statutory Requirement Non-Statutory - Government Guidance None:
Further Details
 2. Call-in: Applicable Not Applicable: Further Details
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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 No Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In the period April 2014 to March 2015 the Council received 649 new complaints about alleged breaches of planning control. These are summarised in the attached table (**Appendix 1**). This compares with approximately 596 complaints received in the previous year.
- 3.2 In terms of enforcement activity 43 enforcement notices were issued in respect of breaches of planning control in the period April 2014 to March 2015.

Type of Notice	Number of Notices
Building operations	15
Material Change of Use	1
Untidy Site	20
Breach of Condition	2
Planning Contravention Notice	5
Stop Notice	0
Total	43

- 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 are received but the most frequent, to date, relate to operational development (35%), change of use (15%). Development not built in accordance with plans (13%), untidy sites (12%) and breach of conditions (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 cases.

Maple Road Penge - Unauthorised conversion to 5 flats - Trial scheduled for August 2015

Pickhurst Lane West Wickham – Prosecution case being processed

- 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.

- 3.7 Members have authorised three cases of Direct Action within the last financial year as a result of non-compliance with notices issued, Direct Action has been undertaken and this line of action has some financial implications but the course of this line of action has produced a successful outcome.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	

Planning Enforcement range of complaints 2014/2015

Range of complaints		
Operational Development	229	35%
Untidy Sites (S215)	78	12%
Commercial Activity	14	2%
Breach of condition	68	10%
Adverts	37	5%
Boundary treatment	27	4%
Plans - not built according to	85	13%
Commercial vehicle - parking of	4	0.6%
Change of Use	99	15%
Access	2	0.3%
Shop shutters	2	0.3%
Satellite Dishes	4	0.6%
Other	0	0
TOTAL	649	100%