

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

RENEWAL, RECREATION AND HOUSING POLICY
 DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Thursday 21 June 2018
 Tuesday 26 June 2018

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

Title: **ENFORCEMENT MONITORING REPORT**
 (APRIL 2017 TO MARCH 2018)

Contact Officer: John Stephenson, Planning Appeals and Enforcement Manager
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Chief Officer: Jim Kehoe, Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from 1 April 2017 to 31 March 2018

2. **RECOMMENDATION(S)**

That a briefing/ updates on planning appeals and enforcement for Members of Planning Committees be arranged during Autumn 2018

Impact on Vulnerable Adults and Children

1. Summary of Impact: none directly from this report
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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: Not Applicable:
 3. Budget head/performance centre: Planning Division
 4. Total current budget for this head: £714.2k
 5. Source of funding: Existing revenue budget 2017/18
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Personnel

1. Number of staff (current and additional): 50.4ftes
 2. If from existing staff resources, number of staff hours: n/a
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Legal

1. Legal Requirement: Statutory Requirement :
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: none directly from this report
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

3.1 In the period April 2017 to March 2018 the Council registered 768 new complaints about alleged breaches of planning control. These are summarised in the table below. This compares with approximately 664 complaints registered in the previous year. There has been a significant increase in the amount of reported complaints received

Range of Complaints		
Operational Development	211	27%
Untidy Sites (S215)	76	10%
Commercial Activity	31	4%
Breach of condition	79	10%
Adverts	35	5%
Boundary treatment	42	5%
Plans - not built according to	98	13%
Commercial vehicle - parking of	2	0%
Change of Use	108	14%
Access	2	0%
Shop shutters	2	0%
Satellite Dishes	0	0%
Trees	40	5%
General	42	5%
	768	100%

3.2 In terms of enforcement activity, 79 enforcement notices were issued in respect of breach of planning control in the period April 2017 to March 2018, in other cases, negotiation led to matters being resolved before notices were issued.

Type of Notice	Number of Notices issued 2017/18
Operational Development	24
Change of Use	10
S215	32
Breach of Condition Notice	10
Planning Contravention Notice	3
Stop Notice	0
TOTAL	79

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 were received but the most frequent relate to operational development 27%, breach of conditions 10%, not built in accordance with plans 13%, untidy sites 10% and change of use 14%. 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 some non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control. These unregistered complaints are investigated and

researched and advice given back to the complainant, via the telephone or emails. This still involves considerable staff resources to maintain the service, this involves an estimated average of approximately 10 new complaints per day. As a result of this information it has been decided to register all complaints on our system so the overall amount of recorded complaints received are set to rise again in the future.

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 is currently in the process of prosecuting on the following cases.

- i. A property in Babbacombe Road - located in the Plaistow and Sundridge Ward.
- ii. A property in Market Meadow – located in Cray Valley East Ward.
- iii. A Property in Midfield Way – located in Cray Valley East Ward.
- iv. Blackbrook Lane various plots - located in Bickley Ward.
- v. A property in Blandford Road, Summons issued - located in Clock House Ward.
- vi. A property in Manor Way – located in Kelsey and Eden Park Ward.
- vii. Land Adj to Top Awards – located in Farnborough and Crofton Ward.
- viii. A property in Lullingston Close - located in Cray Valley West.

3.6 In some cases which may involve direct action officers will prepare a report to present to committee for authorisation from Members as this enforcement action may involve some considerable financial cost to the Council. A charge can be considered by the Council in order to recover the Councils initial cost together with the appropriate interest rate charged until the bill is paid.

3.7 Proceeds of Crime Act or POCA, since successfully utilising this tool in a prosecution test case in Maple Road, located in the Penge and Cator Ward, Planning Enforcement together with Trading Standards and our Legal Services have successfully taken action, the result led to a confiscation order under the proceeds of crime legislation which was reported to members in March 2018. The joint teams are in the process of taking further action on a number of other cases which meets the necessary criteria under POCA.

3.8 Planning Enforcement is a complaint led service. At least 95% of our cases for investigation are reported to us directly from local residents/ward councillors, members of the public or interested parties who may be directly affected by the development in some way.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy, Personnel, Finance, Legal, Procurement
Background Documents: (Access via Contact Officer)	