

Decision Maker: **Development Control Committee**

Date: **13 January 2011**

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

TITLE: PLANNING ENFORCEMENT - MONITORING REPORT 2010

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Chief Officer: Chief Planner

Ward: Borough-wide

1. Reason for report

- 1.1 Further to the previous monitoring report to DCC on 31 August 2010 this report provides an update on planning enforcement in 2010 in particular during the final quarter of the year. The report also provides an overview of planning enforcement activity and highlights a number of cases which were successfully concluded in during the year.

2. **RECOMMENDATION**

- 2.1 Members comments are requested.

Corporate Policy

Existing policy:

Financial

1. No cost
 2. N/A
 3. Budget head <Planning Division>
 4. Total budget for this head £3.8m
-

Staff

1. Number of staff (current and additional) - 3
 2. If from existing staff resources, number of staff hours – n/a
-

Legal

1. Non-statutory - Government guidance:
 2. Call-in is not applicable:
-

Customer Impact

Estimated number of users/beneficiaries (current and projected) - All

3. COMMENTARY

- 3.1 Despite the continued downturn in the economy, the level of planning enforcement activity in 2010 remained relatively high. Although there was a small reduction in the number of complaints received - approx. 800 new cases in 2010 compared with 950 cases in 2009, significant fluctuations in the number of new cases per quarter were experienced ranging from 258 in the second quarter (April – June) to 125 in the final quarter (October – December), reflecting the increase in building activity in the spring/summer.
- 3.2 26 enforcement notices were issued in the final quarter of the year, with a total of 115 notices issued in the year as a whole. In terms of the types of breach of planning control concerned, 44 notices related to operational development, 29 to changes of use, 20 to untidy site notices and 19 to breach of conditions. 30 enforcement notices have been appealed so far in 2010.
- 3.3 The most common type of complaint related to operational development (32%), untidy sites (13%), departure from approved plans (10%), commercial activity (8%) and breaches of condition (7%). Further details showing a breakdown of the type of breaches are summarised in the attached table, **(Appendix 1)**
- 3.4 With regard to legal action there were 9 prosecutions concerning breach of effective enforcement notices in 2010 in addition to a number of pending cases where pre-action warning letters have resulted in the breach being rectified or are awaiting the issue of summons.
- 3.5 There were 3 applications for injunction proceedings in the courts involving serious breaches of planning control in addition to 2 on-going cases. The courts have generally continued to support injunctive action to restrict or prohibit unauthorised development or uses of land which cause material harm to the environment provided it can be demonstrated that such action is proportionate.
- 3.6 With regard to unauthorised advertisements proceedings have been authorised under the Control of Advertisement Regulations in 15 cases. In most cases the breaches have been rectified following the issue of warning letters before action.
- 3.7 There have been a number of significant cases during 2010 where action has been taken to rectify breaches of planning control:
1. **14 Broomwood Road, St. Paul's Cray** – direct action to clear an untidy site in a residential area to ensure compliance with an effective S215 notice (completed August 2010).
 2. **Sheetings Farm, Biggin Hill** – injunction proceedings requiring compliance with effective notices to remove waste material (completed October 2010).
 3. **Highfield Farm, Layhams Road** – appeal dismissed and notices upheld requiring clearance of waste material. Works currently in progress, anticipated completion Spring 2011.
 4. **Archies Stables, Cudham Lane North** – permission refused, appeal lodged. Injunction action taken, awaiting court hearing in 2011.
 5. **39 Selby Road, SE20** – breach of effective notices, appeal dismissed, permission granted for revised scheme. Awaiting trial in 2011.

6. **1A Holbrook Hall** – Non-compliance with Breach of Condition Notice. Successful prosecution, direct action authorised.
 7. **32 Hillcrest Road, Biggin Hill** – breach of effective notice. Appeal dismissed. Direct action authorised.
- 3.8 With regard to staffing levels, 2 planning investigation officers have retired within the past 18 months. There are currently 3 full-time officers investigating breaches of planning control throughout the Borough, one of whom is due to retire in May 2011. In addition, the section's technical clerk retired in July 2010 and the post remains unfilled.

ENF/TCB/Dec. 2010