

**Decision Maker:**      **Development Control Committee**

**Date:**                      **19 April 2011**

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

**Title:**                      **ENFORCEMENT MONITORING REPORT  
(JANUARY-MARCH 2011)**

**Contact Officer:**      Tim Bloomfield, Development Control Manager (Appeals and Enforcement)  
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**Chief Officer:**              Bob McQuillian - Chief Planner

**Ward:**                      All

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1. Reason for report

Following the previous monitoring report to DC Committee on 13 January 2011 this report provides an update for the first quarter of 2011

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2. **RECOMMENDATION(S)**

**Members to 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 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.
  2. Call-in: Call-in is not applicable.
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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? Yes.
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

In the first quarter of 2011 the Council received 162 complaints, representing an average of 54 cases per month. This compares with approximately 800 complaints in 2010 about alleged breaches of planning control, representing an average of 65 new cases per month.

In terms of enforcement activity enforcement notices have been issued in respect of 34 breaches of planning control in the period January to March 2011, as summarised in the attached table (Appendix 1). The types of breach are summarised below:

Type of Notice	Number of Notices
Operational Development	20
Material Change of Use	6
Untidy Site	2
Breach of Condition	3
Planning Contravention Notice	3
<b>Total</b>	<b>34</b>

During the same period enforcement action has been authorised in a further 43 cases and the Council's solicitors have been instructed to issue notices. The attached table (Appendix 2) provides further details of these cases where enforcement action has been authorised.

The practice of reporting to enforcement action which has been authorised under delegated authority to Plans Sub Committee has been resumed with effect from January 2011.

A wide range of complaints are received but the most frequent relate to building operations (33%), untidy sites (15%), change of use (12%), commercial activity (10%) and boundary treatment (7%). A substantial number of complaints are received which do not involve breaches of planning control unrelated to planning which are not recorded on the planning enforcement monitoring system. These include boundary disputes, anti-social behaviour and other civil matters which fall beyond the remit of planning control.

During the first quarter of 2011 the Council's solicitors have been instructed to prosecute in 9 cases, as follows:

1. **Fairtrough Farm** – unauthorised stationing of mobile home and touring caravan
2. **81 High Street, Penge** – installation of security shutter – dismissed on appeal
3. **84 Albert Road, Bromley** – storage container
4. **26 Hawes Lane, West Wickham** – overheight pillars and fencing
5. **111 Castleton Road, SE9** – unauthorised extension – appeal out of time
6. **Billingford, Elstree Hill, Bromley** – overheight boundary wall and piers – appeal out of time
7. **197-199 High Street, Penge** - Change of use Office to residential – dismissed on appeal
8. **1 Little Acre, Beckenham** – Untidy site
9. **Land at junction Bromley Common/Oakley Road** - containers, hoarding and hardstanding – dismissed on appeal.

A number of significant enforcement cases been dealt with during the quarter

1. 39 Selby Road. Crystal Palace – rear extension and subdivision into flats - awaiting trial July 2011
2. Fairtrough Farm, Pratts Bottom – local inquiry 12/4/11. Prosecution against mobile home & caravan
3. 1A Holbrook Lane, Chislehurst – insertion of rooflights - works in default
4. 3 Filey Close, Biggin Hill – untidy site – proposed works in default
5. 32 Hillcrest Road, Biggin Hill – decking – proposed works in default
6. Waldens Farm – final caravan removed
7. Archies Stables, Cudham Lane North – informal hearing 17/5/11

<b>Non-Applicable Sections:</b>	Policy implications, financial implications, legal implications. Personal implications
Background Documents: (Access via Contact Officer)	