

INFORMATION ITEM

**Six monthly report on planning enforcement:
1st July 2012-31st December 2012**

To: Planning Committee

Date: 6th February 2013

From: Andy Smith, Senior Enforcement Officer

[M233]

1. Purpose

1.1 This is a six monthly update to the Planning Committee, reporting details of complaints received, levels of work outstanding, and cases resolved, during the reporting period. A 'case' is an allegation of a breach of planning control, consisting of an unauthorised operational development or use, failure to comply with a planning condition imposed on a planning permission, or development other than in accordance with an approved plan. It also includes illegal advertisements and unauthorised works to listed buildings.

1.2 Finally it highlights proactive work undertaken, in connection with monitoring planning conditions.

1.3 The Planning Enforcement team consists of two full time officers ,dealing mostly with reactive complaints, and a part time officer monitoring planning conditions .

2. Caseload

2.1 There were 127 unresolved and outstanding cases brought forward into this reporting period.

2.2 There were 123 new cases received in this 6-month period, giving a total number of cases available of 250.

2.3 There were 135 cases investigated, resolved and closed in this period and as at 31/12/12 there were 115 cases outstanding.

3. Case Closure data

3.1 Of the cases closed above, the following information has been captured regarding their closure. The last accounting period's figures are shown in brackets for comparison.

- Referred to other section 3% (4%)

- Lawful by passage of time 5% (1%)
- No further action 2% (5%)
- Permitted Development 5% (6%)
- Remedied following informal action 13% (14%)
- Planning Application Approved 8% (7%)
- No breach established 55% (39%)
- Other 7% (15%)
- Prosecution 0% (1%)
- Conditions discharged 1% (1%)
- De minimis 0% (6%)
- Notice issued and complied with 1% (1%)

4. New Formal Notices

The following formal notices have been served during the reporting period-

- Land adjacent 79, Fordham Road, Soham-Planning Contravention Notice
- Land at Sennitt Way, Stretham- Planning Contravention Notice.
- 107 ,North Street, Burwell.- Planning Contravention Notice.
- Land North West of 20B, The Cotes, Soham.- Planning Contravention Notice.
- 9 Redmere Ely- Planning Contravention Notice.
- Eastern Flamez, 29-33 Main Street, Little Downham.- Planning Contravention Notice.
- Land between Orchard Row and Wicken Road, Soham- Planning Contravention Notice.
- Jane's B and B, 82, Broad Street, Ely- Planning Contravention Notice.
- Fen Cabs of Ely, 21-23 Ely Road, Queen Adelaide- Planning Contravention Notice.
- 4, Fieldgate, Sutton- Planning Contravention Notice.
- 39, Alexander Chase, Ely- Planning Contravention Notice.
- Land North of 11, Black Bank Road, Little Downham- Planning Contravention Notice.
- Land adjacent 6, Black Horse Drove-Requisition of Information Notice.

5. Ombudsman Cases

5.1 None received.

6. High Hedges

6.1 Three enquiries received but none proceeded to validation.

7. Development Monitoring

7.1 During this period 403 cases have been identified from the Building Control commencement register. Of these, 152 cases have been selected for active monitoring.

8. Summary

8.1 This period commenced with just one full time member of staff. Subsequently a new officer, Steve Harrison, has been recruited. This has meant that some resource in this period has been devoted to training.

8.2 There have been 123 new complaints in this 6 month period, which is comparable to the same period last year.

8.3 55% of cases have been closed with no breach established. This reflects the vexatious nature of many complaints that we now encounter on a weekly basis. Unfortunately the majority of these complaints need to be investigated in one way or another, to arrive at this conclusion. Similarly this is reflected in an increase in general correspondence with complainants, where they are told there is no further action to take.

8.4 Members should be aware that changes in legislation dictates that investigations into planning breaches and offences, cannot now be done through surveillance. Although seldom used, it does now place greater emphasis on complainants being willing to provide written statements, and or attending court.

8.5 The priority for the next few months will be to continue to support the new Enforcement Officer , and to catch up on those last few cases which do require formal enforcement action. Similarly it is hoped to be able to undertake more proactive work.