

INFORMATION ITEM

**Six monthly report on planning enforcement:
1st January 2014 -30th June 2014**

To: Planning Committee

Date: 6th August 2014

From: Andy Smith, Senior Enforcement Officer

[P61]

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.
- 1.2 The type of complaint investigated includes breaches of planning control, (consisting of an unauthorised operational development or use,) failure to comply with planning conditions, development other than in accordance with an approved plan, illegal advertisements, unauthorised works to listed buildings and high hedges. The Local Planning Authority has a duty to investigate breaches of planning control, but is able to exercise discretion in relation to taking enforcement action.
- 1.3 Finally it highlights 'proactive cases' and work undertaken, including monitoring planning conditions.
- 1.4 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-Reactive Cases

- 2.1 There were 166 unresolved and outstanding cases brought forward into this reporting period.
- 2.2 There were 165 new cases received in this 6-month period, giving a total number of cases available of 331
- 2.3 There were 157 cases investigated, resolved and closed in this period and at 30/06/14 there were 174 cases outstanding.

3. Case Closure data

- 3.1 Of the cases closed above, the following information has been captured regarding their closure. The previous 6 months figures are shown in brackets for comparison.

- Referred to other section 7% (7%)
- Lawful by passage of time 3% (4%)
- No further action 6% (3%)
- Permitted Development 8% (8%)
- Remedied following informal action 28% (24%)
- Planning Application Approved 9% (4%)
- No breach established 25% (38%)
- Other 11% (7%)
- Conditions discharged 1% (2%)
- Amended application approved 0% (3%)
- De minimis 1% (0%)
- Notice issued and complied with 1% (0%)

4. New Formal Notices

- 4.1 The following formal notices have been served during the reporting period-
- Newlands, 62 Great Fen Road, Soham,-Breach of Condition Notice
 - Land NW of 28 The Street, Saxon Street-Planning Contravention Notice
 - 94 The Street Kirtling- Planning Contravention Notice
 - 20 Main Street, Prickwillow- Planning Contravention Notice
 - Land at Spooner's Drove, Isleham- Planning Contravention Notice
 - 21 High Street, Ely- Planning Contravention Notice
 - Fenland Lodge-Soham Road Stuntney- Planning Contravention Notice
 - 9 Redmere, Ely- Planning Contravention Notice
 - 3A Pratt Street, Soham- Planning Contravention Notice

5. Ombudsman Cases

- 5.1 One complaint received. The provisional view of the Ombudsman is that the Council acted properly in the way it conducted the enforcement investigation.

6. High Hedges

- 6.1 Several enquires received-None proceeded to validation

7. Development Monitoring

- 7.1 The following work has been undertaken by the Development Monitoring Officer
- Total new cases checked: 269
 - Total new cases deemed not requiring planning permission: 60
 - Total new cases selected for active monitoring: 150
- 7.2 As we now try to prioritise the checking of commencements logged by Building Control, in this period there are 39 cases that have not been checked. Priority is given to new dwellings, larger extensions and commercial developments. (The likelihood is that all these unchecked cases would be Permitted Development, and therefore not requiring a planning application).

- 7.3 It is worth noting as well, that the above stats refer only to new cases occurring in the period. In parallel with dealing with these, there is an ongoing caseload of
- DISA applications chased and monitored
 - Cases monitored for condition trigger dates being reached and necessary submissions chased
 - Monitoring of Approved Inspector cases for completions and chasing any outstanding conditions
 - Advising CIL team of relevant commencements
- 7.4 We have also carried out two proactive exercises in relation to the residential use of boats and domestic annexes. Both have highlighted the need for further work and these will be areas to concentrate on when resources allow.

8. Conclusion

- 8.1 New cases have again exceeded resolved cases and the numbers outstanding continue to rise. This is despite closing more cases in this period, than in the last 3 reporting periods
- 8.2 This is not sustainable in the long term and as previously indicated there is little flexibility within the team to react to anything other than steady state. This is a concern given the high profile of some applications recently approved and the North of Ely development in the pipeline. This also has a knock on effect in delaying action on those cases which may end up going down the formal route
- 8.3 The numbers of cases closed where no breach has been established has reduced in this period from 38% to 25%. This may well be an effect of those changes brought in on the back of the Local Enforcement Plan. More time will be required to see if this trend continues, but it does allow the Enforcement Team more time to concentrate on those sites where there is an issue.
- 8.4 A slight increase in those cases remedied by informal action is also welcomed as it involves developers putting works right at their expense. This saves the need for lengthy formal action and generally brings about a better end result for all involved
- 8.5 In the last 6 months the Enforcement Team has generated £6211.00 in planning fee income. Similarly we have generated our first CIL payment on the back of an Enforcement investigation. This has resulted in a payment of £23,000.00 and is an area where there is potential for significant income to be generated in the future.