

PLANNING ENFORCEMENT UPDATE

Lead Officer: Tony Pomfret, Development Control Manager.

To update Members on current planning enforcement issues.

Recommendation : That the report be noted and feedback from Members welcomed.

Resource Implications : Nil of this report, but any legal proceedings arising from planning enforcement would have financial implications for the development control budget.

1.0 Supporting Information :

1.1 This report updates Members on current planning enforcement issues and follows a similar report presented at the 20th July 2011 Planning Panel meeting.

1.2 From July 1st 2011 to November 30th 2011 the Council have received 134 complaints regarding alleged breaches of Planning Control, in addition to the 107 complaints regarding alleged breaches of planning control that were unresolved previously

1.3 The Complaints can be broken down as follows:-

Type of Breach	No of Complaints
Breach of Advertisement Control	26
Breach of Condition	39
Breach of Use of Land or Building	41
Operational Development by Householder	53
Other forms of Operational Development	54
Trees in Conservation Area/TPO	2
Untidy Site	26
Total	241

1.4 However, at present 92 complaints have been resolved and 149 are ongoing.

1.5 Below is a breakdown of all 241 complaints:-

Advertisement Control

Retrospective applications for Advertisement Consent received	4
No breach identified following further investigation	2
Ongoing	8
Unauthorised Signage Removed	10
Prosecution proceedings commenced	2

Breach of Condition

Retrospective planning application received to regularise breach	6
Planning Condition discharged after action by owner/occupier	1
Ongoing	30
No Breach	1
Prosecution Proceedings Commenced	1

Breach of Use of Land or Building

Retrospective planning application received to regularise breach	7
No breach identified following further investigation	2
Breach of Use ceased	3
Ongoing	29

Operational Development by Householder

Retrospective planning application received to regularise breach	10
Breach removed	3
No breach identified following further investigation	8
Ongoing	32

Other Forms of Operational Development

Retrospective planning application received to regularise breach	12
Unauthorised development removed	5
No breach identified following further investigation	7
Ongoing	29
Immune	1

Trees in Conservation Area/TPO

Ongoing	1
No breach	1

Untidy Site

Site improved	4
No breach	1
Ongoing	20
Prosecution Proceedings Commenced	1

- 1.6 Where it is satisfied that a breach of planning control has occurred, the Council may consider using its statutory powers to seek to remedy the breach. These powers are discretionary and will only be used where it is considered expedient to do so.

- 1.7 Below is a breakdown of formal enforcement action that has been carried out by the Council:-

Notices Served

Planning Contravention Notices	5
s215 Notice (Untidy Land)	2
Tree Replacement Notice	1

- 1.8 Below is a breakdown of ongoing prosecutions for breaches of planning control:-

Non compliance with a s215 Notice	1
Non compliance with Breach of Condition of Notice	1
Non compliance with Advertisement Consent Regulations	2

- 1.9 Since August 2009 the Council have received 538 complaints regarding alleged breaches of Planning Control, and 389 have been successfully resolved.

- 2.1 The Council have received numerous retrospective planning applications since August 2009 that have resulted from enforcement action. To date this has generated £17,740 of income by way of planning application fees.

- 2.2 A visual presentation of examples of planning enforcement cases will be provided after the report.

- 2.3 Feedback from Members would be welcomed.

Others Consulted : Ongoing liaison with Legal Services.

Contact Officer : David Wright, Planning Enforcement Officer.

Background Papers : Documentation is available for inspection in the Development Control Office