

**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 31<sup>st</sup> March 2010 Planning Panel meeting.

1.2 From March 2010 to August 2010 the Council have received 138 complaints regarding alleged breaches of Planning Control, in addition to the 35 complaints regarding alleged breaches of planning control that were unresolved during the previous six months.

1.3 The Complaints can be broken down as follows:-

| <b>Type of Breach</b>                  | <b>No of Complaints</b> |
|--|-------------------------|
| Breach of Advertisement Control        | 23                      |
| Breach of Condition                    | 27                      |
| Breach of Use of Land or Building      | 16                      |
| Operational Development by Householder | 43                      |
| Other forms of Operational Development | 44                      |
| Trees in Conservation Area/TPO         | 1                       |
| Untidy Site                            | 16                      |
| Other Enforcement Matters              | 3                       |
| <b>Total</b>                           | <b>173</b>              |

1.4 However at, present 88 complaints have been resolved and 85 are ongoing.

1.5 Below a breakdown of all 173 complaints:-

**Advertisement Control**

|   |    |
|---|----|
| Retrospective applications for Advertisement Consent received | 1  |
| No breach identified following further investigation          | 5  |
| Ongoing   | 7  |
| Unauthorised Signage Removed                                  | 10 |

**Breach of Condition**

|  |    |
|--|----|
| Retrospective Planning Application received to regularise breach | 1  |
| Planning Condition Discharged after action by owner/occupier     | 2  |
| No breach identified following further investigation             | 2  |
| Ongoing  | 22 |

#### **Breach of Use of Land or Building**

|  |    |
|--|----|
| Retrospective Planning Application received to regularise breach | 0  |
| Breach stopped after negotiation with Council                    | 1  |
| No breach identified following further investigation             | 11 |
| Ongoing  | 4  |

#### **Operational Development by Householder**

|  |    |
|--|----|
| Retrospective Planning Application received to regularise breach | 2  |
| Breach considered "de minimis" and warrants no further action    | 3  |
| Breach Removed   | 1  |
| No breach identified following further investigation             | 18 |
| Ongoing  | 19 |

#### **Other Forms of Operational Development**

|  |    |
|--|----|
| Retrospective Planning Application received to regularise breach | 4  |
| Breach considered "de minimis" and warrants no further action    | 2  |
| Unauthorised development removed                                 | 5  |
| No Breach identified following further investigation             | 14 |
| Ongoing  | 19 |

#### **Trees in Conservation Area/TPO**

|   |   |
|---|---|
| Retrospective Application received to regularise breach | 0 |
| No breach identified following further investigation    | 1 |

#### **Untidy Site**

|               |    |
|---------------|----|
| Site improved | 1  |
| No Breach     | 3  |
| Ongoing       | 12 |

#### **Other Enforcement Matters**

|                      |   |
|----------------------|---|
| Received application | 1 |
| Ongoing              | 2 |

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. All notices served during this period have been complied with:-

#### **Notices Served**

|                                |   |
|--------------------------------|---|
| Planning Contravention Notices | 3 |
| Enforcement Notices            | 1 |
| S330 Notices                   | 0 |
| Breach of Condition Notices    | 3 |
| S215 Notices                   | 0 |

1.8 Since August 2009 the Council have received 252 complaints regarding alleged breaches of Planning Control, and 154 have been successfully resolved.

1.9 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**