

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 04th January 2012 Planning Panel meeting.

1.2 From December 1st 2011 to June 30th 2012 the Council have received 129 complaints regarding alleged breaches of planning control, in addition to the 149 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	33
Breach of Condition	49
Breach of Use of Land or Building	56
Operational Development by Householder	64
Other forms of Operational Development	46
Trees in Conservation Area/TPO	2
Untidy Site	28
Total	278

1.4 However, at present 134 complaints have been resolved and 144 are ongoing.

1.5 Below is a breakdown of all 278 complaints:-

Advertisement Control

Retrospective applications for Advertisement Consent received	1
Ongoing	12

Unauthorised Signage Removed	17
Prosecution proceedings commenced	3

Breach of Condition

Retrospective planning application received to regularise breach	6
Planning Condition discharged after action by owner/occupier	4
Ongoing	31
No Breach	5
Not expedient to take further action	3

Breach of Use of Land or Building

Retrospective planning application received to regularise breach	8
No breach identified following further investigation	18
Breach of Use ceased	5
Ongoing	24
Immune	1

Operational Development by Householder

Retrospective planning application received to regularise breach	13
Breach removed	2
No breach identified following further investigation	16
Ongoing	30
Immune	3

Other Forms of Operational Development

Retrospective planning application received to regularise breach	9
Unauthorised development removed	2
No breach identified following further investigation	8
Ongoing	25
Immune	1
Not expedient to take further action	1

Trees in Conservation Area/TPO

Ongoing	2
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Untidy Site

Site improved	3
No breach	5
Ongoing	20

- 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	4
s215 Notice (Untidy Land)	1
Enforcement Notice	3

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

Non compliance with Advertisement Consent Regulations	3
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- 1.9 Since August 2009 the Council have received 667 complaints regarding alleged breaches of planning control, and 523 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 £25,338 of income by way of planning application fees. Enforcement action from December 1st 2011 to June 30th 2012 has generated £7,598 by way of planning application fees
- 2.2 A visual presentation of examples of planning enforcement cases will be provided at the meeting.
- 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