

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 2nd February 2011 Planning Panel meeting.

1.2 From January 1st 2011 to June 30th 2011 the Council have received 114 complaints regarding alleged breaches of Planning Control, in addition to the 88 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	14
Breach of Condition	42
Breach of Use of Land or Building	31
Operational Development by Householder	39
Other forms of Operational Development	51
Trees in Conservation Area/TPO	2
Untidy Site	23
Total	202

1.4 However, at present 95 complaints have been resolved and 107 are ongoing.

1.5 Below is a breakdown of all 202 complaints:-

Advertisement Control

Retrospective applications for Advertisement Consent received	3
No breach identified following further investigation	0
Ongoing	5
Unauthorised Signage Removed	6

Breach of Condition

Retrospective planning application received to regularise breach	2
Planning Condition discharged after action by owner/occupier	10
Ongoing	27
Breach discontinued	1
No Breach	2

Breach of Use of Land or Building

Retrospective planning application received to regularise breach	6
No breach identified following further investigation	7
Ongoing	18

Operational Development by Householder

Retrospective planning application received to regularise breach	9
Breach considered "de minimis" and warrants no further action	1
Breach removed	3
No breach identified following further investigation	9
Ongoing	17
Immune	0

Other Forms of Operational Development

Retrospective planning application received to regularise breach	20
Unauthorised development removed	0
No breach identified following further investigation	11
Ongoing	18
Immune	2

Trees in Conservation Area/TPO

Ongoing	2
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Untidy Site

Site improved	3
No breach	0

- 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 to date:-

Notices Served

Planning Contravention Notices	6
Enforcement Notices	2
Breach of Condition Notices	3
s215 Notice (Untidy Land)	2
s330 Notice (Request for information)	1

- 1.8 Since August 2009 the Council have received 404 complaints regarding alleged breaches of Planning Control, and 287 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