

PLANNING ENFORCEMENT UPDATE

Lead Officer: John Groves, Head of Nuclear Energy and Planning.

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 on the 18th July 2012 Planning Panel meeting.

1.2 From the 1st July 2012 to December 31st 2012 the Council have received 147 complaints regarding alleged breaches of planning control, in addition to the 144 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	46
Breach of Condition	50
Breach of Use of Land or Building	48
Operational Development by Householder	54
Other forms of Operational Development	58
Trees in Conservation Area/TPO	3
Untidy Site	32
Total	291

1.4 Of the 291 complaints 136 cases have been resolved leaving 155 ongoing.

1.5 Below is a breakdown of all 291 complaints:-

Advertisement Control

Retrospective applications for Advertisement Consent received	1
Ongoing	13
Unauthorised Signage Removed	28
Prosecution proceedings pending	2
Advert reduced in size and therefore exempt	1
No breach	1

Breach of Condition

Retrospective planning application received to regularise breach	3
Planning Condition discharged after action by owner/occupier	5
Ongoing	29
No Breach	5
Not expedient to take further action	6
Immune	2

Breach of Use of Land or Building

Retrospective planning application received to regularise breach	7
No breach identified following further investigation	12
Breach of Use ceased	2
Ongoing	26
Immune	1

Operational Development by Householder

Retrospective planning application received to regularise breach	8
Breach removed	1
No breach identified following further investigation	9
Ongoing	30
Permitted Development	3
Not expedient to take further action	3

Other Forms of Operational Development

Retrospective planning application received to regularise breach	6
No breach identified following further investigation	14
Ongoing	36
Immune	1
Not expedient to take further action	1

Trees in Conservation Area/TPO

Prosecution pending	1
Ongoing	2

Untidy Site

Site improved	1
No breach	10
Ongoing	19
Prosecution Pending	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:-

Notices Served

Planning Contravention Notices	5
s330 Notice (Requisition of Information)	2
s215 Notice (Untidy Land)	5
Breach of Condition Notice	1
s225 Notice (removal of posters)	4

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

Non compliance with Advertisement Consent Regulations	2
Non compliance with s215 Notice	2
Removal of trees within Conservation Area	1

1.9 Two offenders were prosecuted in the second half 2012 for breaches of planning control. A company pleaded guilty to displaying advertisements without the benefit of consent. A Homeowner was found guilty for not complying with an Enforcement Notice after a Magistrates hearing.

2.0 Since August 2009 the Council have received 814 complaints regarding alleged breaches of planning control, and 659 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 £30,357 of income by way of planning application fees. Enforcement action from July 1st 2012 to December 31st 2012 has generated £5,019 by way of planning application fees

2.2 A visual presentation of recent examples of breaches of advertisement control and untidy sites will be presented 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