

APPENDIX A

WAVERLEY BOROUGH COUNCIL

AREA PLANNING COMMITTEE (CENTRAL) – 14 OCTOBER 2009

Title:

**PLANNING ENFORCEMENT UPDATE REPORT FOR AREA PLANNING
COMMITTEE (CENTRAL)**

**[Wards Affected: Godalming Binscombe, Godalming Central & Ockford,
Godalming Charterhouse, Godalming Farncombe & Cattleshall, Godalming
Holloway, Elstead & Thursley, Milford, Witley & Hambledon]**

Summary and purpose: The purpose of this report is to;

**Provide Members of all the Area Committees with a report on progress of the
Planning Enforcement Service for the quarter of July to September 2009.**

E-Government implications:

There are no direct e-government implications since the majority of the work is confidential and not open to public scrutiny.

Resource and legal implications:

There are no direct resource implications arising from the report itself.

There are no direct legal implications arising from the report itself but legal resources will be required to progress individual cases reported.

1. Introduction.

This report is intended to bring Members up to date with enforcement performance for the period July to September 2009. The report will also refer to current issues impacting on the Enforcement Service. It will also inform Members to the work already in hand with regard to bringing some long running cases to a head. Please note that when this report refers to a breach of planning control a breach is one individual site irrespective of the number of complaints received about the site.

Sections 1 – 7 of this report refer to Borough-wide development.

2. Staffing Issues.

This has been a difficult quarter for the Enforcement Team with one member of staff away from the office for a month following surgery; one member of staff was out of

the office for two weeks for study leave and exams, and with the usual holiday season.

3. New Cases.

Between July to September 2009 the Team received 126 reports of alleged breaches of planning control.

4. Notices served

In this quarter 9 Planning Contravention Notices, 6 Enforcement Notices and 1 Stop Notice have been served.

Enforcement Statistics to 30 September 2009

From May 2009 the method of calculating the percentage investigated within eight weeks has changed. The figure now takes account of all cases investigated rather than all cases that reached their 'deadline'. Whilst 76% is a disappointing figure, it does reflect the number of older cases, which have been closed down.

Totals for whole borough

	Apr-Jun 08	Jul-Sep 08	Oct-Dec 08	Jan-Mar 09	May- Jun 09	Jul-Sep 09
Cases Received	123	138	114	129	110	126
Investigations completed	155	166	155	118	110	118
Cases on hand	917	847	754	677	653	611
% Investigated within 8 weeks	38%	85%	91%	99%	92%	76%
Cases closed	102	208	207	206	134	168
Enforcement notices served	2	5	5	3	1	6
PCNs served	17	26	18	8	8	9
Stop Notices served	0	0	1	0	0	1
Prosecutions	0	0	0	0	0	0
Direct Action	0	1	0	0	1	0

Sector and priority split for July – September 2009

Sector Priority	Central			Eastern			Southern			Western			Totals
	1	2	3	1	2	3	1	2	3	1	2	3	
Cases Received	6	29	2	4	24	0	2	11	1	7	36	4	126
Investigations completed	5	29	3	4	17	0	9	11	1	5	29	5	118
Cases in hand	29	113	37	11	94	53	14	17	31	41	144	27	611
% investigated within 8 weeks	80	79	100	100	88	-	89	45	0	80	72	60	76% overall

Closed – NFA	1	4	0	1	2	0	0	3	1	0	3	1	16
Closed - No Breach	0	17	4	3	7	0	6	12	1	6	20	5	81
Closed – Breach Resolved	2	11	0	0	7	1	4	20	0	3	22	1	71

Enforcement notices served	0	1	0	0	0	0	0	2	0	0	3	0	6
PCNs served	0	1	0	1	1	0	0	3	0	0	3	0	9
Stop Notices served	1		0			0			0			1	
Prosecutions being prepared	0		3			0			0			3	
Prosecutions completed	0		0			0			0			0	
Direct actions in process	0		1			0			0			1	
Direct actions completed	0		0			0			0			0	

5. Appeal Performance

The Enforcement Notice for Old Portsmouth Road, Thursley, was quashed due to the wrongful description of the Notice. The owner of the site has resumed his unlawful use of the site for the storing of non-agricultural items. This is in breach of an old, but still valid enforcement notice, but the appealed notice pertaining to the unlawful use of the site for residential purposes did not reflect this. A new enforcement notice is currently being drafted and the enforcement of the old Notice to remove the unauthorised agricultural items is being implemented.

The Enforcement Notice relating to Merlins, Haslemere, was quashed and planning permission was granted, with conditions, for the retention of the dwelling.

6. Direct Action Work

Work with Old Park Stables, Farnham, continued and the Notice has now been fully complied with. The dwellings have been fully demolished, the foundations removed and the land re-seeded.

7. High Hedges.

One new complaint of a High Hedges was received within this quarter. The site visit has been scheduled for 8 October 2009.

8. Current Update on Previous Enforcement Cases

The following are cases where formal notices have been issued but compliance with the notices has not been met. In most cases the owners of the respective land/property are now co-operating with the Council in addressing their individual

breaches thus making them responsible for their actions and avoiding lengthy and costly court procedures.

Updates since the previous report are shown in bold type.

Members are asked that if they require further information on these cases or have questions to please contact the Enforcement Team.

Land at Weyside Farm, Elstead

Enforcement Notice served 29 August 2008 to secure the removal of the caravan, storage containers (barn) and steel framed stabling. **Notice was appealed against. The Notice was partially dismissed and partially upheld. The owners must now remove the tall wooden structure attached to the storage containers; remove the lights and lighting columns, cease using the mobile home as residential accommodation by re-housing its current occupant, removing the bath and shower unit and its veranda. Compliance date 28 November 2009. Lighting columns and lighting have already been removed.**

Enforcement Officer: Gina Pink

Tuesley Farm, Tuesley Lane, Godalming

Enforcement Notice served on 29 July 2004 to secure removal of polytunnels, fences/windbreaks, mobile homes and associated engineering works. Appeal dismissed, compliance 12 months. High Court appeal dismissed 15 December 2006.

WA/07/1962 – erection of up to 20 hectares poly tunnels on a rotational basis within defined areas on the 190 hectares agricultural holding. **Planning permission granted 28 August 2008. High Court challenge made to this decision – High Court Hearing date is the 12th, 13th & 14th October 2009.**

On 1st December 2008 the Joint Planning Committee resolved to grant planning permission, subject to conditions and 106 Legal Agreement in respect of;

- 1) WA/2008/1734 – Change of use of agricultural land to use for siting of mobile homes for occupation by agricultural workers together with associated engineering works;**
- 2) WA/2008/1735 – Alterations and change of use of agricultural buildings to provide living accommodation.**

Applications to be reconsidered by Joint Planning Committee after High Court decision on WA/07/1962.

Enforcement Officer: David Andrews & Hilary Hobbs

Land At Old Portsmouth Road, Thursley

Enforcement Notice served on 19 December 2008 to secure removal mobile home. Notice takes effect 23 January 2009. Compliance time six months. **Notice was been quashed following an appeal. New Enforcement Notice being drafted.**

Enforcement Officer: Gina Pink

Recommendation

Members are invited to note the improvement in performance on planning enforcement.

Background Papers (CS&P)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Gina Pink
Principal Planning Enforcement Officer

Telephone: 01483 523114

Email: gina.pink@waverley.gov.uk