

APPENDIX A

WAVERLEY BOROUGH COUNCIL
AREA PLANNING COMMITTEE SOUTHERN
17th FEBRUARY 2010

Title:

**PLANNING ENFORCEMENT UPDATE REPORT FOR SOUTHERN AREA
PLANNING COMMITTEE**

[Wards Affected: Chiddingfold & Dunsfold; Haslemere Critchmere & Shottermill;
Haslemere East & Grayswood; Hindhead]

Summary and purpose:

The purpose of this report is to provide Members of the Southern Area Committee with a report on progress of the Planning Enforcement Service for the quarter of October to December 2009.

How this report relates to the Council's Corporate Priorities:

There are no direct implications for the Council's corporate priorities in this report but many of the cases dealt with by the Planning Enforcement Service do have implications for natural resource use, pollution prevention and control, biodiversity and nature, heritage, the appearance of an area, jobs, services and facilities; rural proofing and the rural economy.

Equality and Diversity Implications:

There are no equality and diversity implications arising from the report itself.

Resource/Value for Money implications:

There are no direct resource / value for money implications arising from the report itself.

Legal Implications:

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 October to December 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.

The team remains fully staffed and, apart from the adverse weather conditions and Christmas break, there have been no factors to affect the team's progress.

3. New Cases.

Between October to December 2009 the Team received 107 reports of alleged breaches of planning control.

4. Notices served

In this quarter 3 Planning Contravention Notices, 7 Enforcement Notices and 1 Stop Notice have been served.

5. Performance Stats to 31 December 2009

A new performance indicator has been introduced since October 2009. This measures the percentage of cases resolved within eight weeks of receipt of complaint. This is a significantly more challenging target than the existing investigated within eight weeks "target". A case is considered resolved when it has been closed; or the Council has issued a formal notice requiring that works be carried out to cease the breach or a retrospective planning application has been received for the development.

From May 2009 the method of calculating the percentage of cases investigated within eight weeks changed. The figure now takes account of all cases investigated during the quarter rather than all cases that reached their 'eight week age' during the quarter.

Totals for whole borough

	Jul-Sep 08	Oct-Dec 08	Jan-Mar 09	May- Jun 09	Jul-Sep 09	Oct-Dec 09
Cases Received	138	114	129	110	126	107
Cases closed	208	207	206	134	168	127
Investigations completed	166	155	118	110	118	147
% Investigated within 8 weeks	85%	91%	99%	92%	76%	73%
% resolved within 8 weeks	-	-	-	-	-	43%
Cases on hand	847	754	677	653	611	591
Enforcement notices served	5	5	3	1	6	7
PCNs served	26	18	8	8	9	3
Stop Notices served	0	1	0	0	1	1

Prosecutions	0	0	0	0	0	0
Direct Action	1	0	0	1	0	0

Sector and priority split for October- December 2009

Sector Priority	Central			Eastern			Southern			Western			Totals
	1	2	3	1	2	3	1	2	3	1	2	3	

Cases Received	2	22	2	9	14	1	6	9	1	7	31	3	107
Investigations completed	2	28	3	8	21	1	11	15	2	11	40	5	147
Cases in hand	29	112	32	16	84	53	10	7	29	42	150	27	591
% investigated within 8 weeks	50	89	67	88	76	100	27	60	100	81	75	60	73% overall

Closed – NFA	0	2	6	0	3	0	3	0	0	1	2	0	17
Closed - No Breach	2	15	0	3	13	1	6	15	1	4	20	2	82
Closed – Breach Resolved	0	6	1	1	8	0	1	4	2	1	3	1	28

Enforcement notices served	0	2	1	0	0	0	0	2	0	1	0	1	7
PCNs served	0	1	0	0	0	0	0	2	0	0	0	0	3
Stop Notices served	0			0			0			1			1
Prosecutions being prepared	1			2			0			0			3
Prosecutions completed	0			0			0			0			0
Direct actions in process	0			1			0			0			0
Direct actions completed	0			0			0			0			0

The performance against "investigated in eight weeks" is lower than the target of 80%. Moreover, there has been thus far limited progress in meeting the new "resolved" targets. This is partly due to the inclusion of older cases where date of closed and action have already exceeded the eight week period. However, actions are being put in place to improve on this for the next quarter.

5. Appeal Performance

On 21 December 2009 the appeal against the refusal of WA/2008/1870 seeking retention of the "annexe" at Tanyard Farm, Woodhill Lane, Shamley Green was dismissed. The "annexe" is the subject of an enforcement notice and direct action is now being instigated to secure its removal.

6. Direct Action Work

Following the dismissal of the above appeal at Tanyard Farm; Direct action is being scheduled to secure full compliance with the three outstanding enforcement notices within the next quarter. Outstanding work includes removal of three large rocks from the paddock area; reduce the front boundary wall to 1.5 metres in height above ground level and removal of the "annexe".

7. High Hedges.

There were no new High Hedge enquiries this quarter. However, the Team continues to give advice to members of the public on this subject.

8. Current Update on Previous Enforcement Cases

The following are cases where formal notices have been issued but compliance with the notices have not been met. In most cases the owners of the respective land/property are now co-operating with the Enforcement Team 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 reminded that if they require further information on these cases or have questions please contact the Enforcement Team.

Dunsfold Ryse, High Street Green, Chiddingfold

Enforcement Notice served to secure removal from the land the garage building and all resulting material and rubble arising from the compliance with the Notice. Issued on 21 September 2006; Appeal dismissed 17 April 2007; Compliance date 17 October 2007. Planning application WA/07/1968 – retention of existing foundations and concrete floor slab and erection of a two bay garage and a three bay garage approved 2 April 2008. It is therefore anticipated that the Enforcement Notice will now be complied with when this application is implemented. **Compliance with the Enforcement Notice has now begun; owner anticipates full compliance by the end of January 2010.**

Enforcement Officer: Darran Eggleton

Land adjoining Dunsfold Ryse Farm Cottage, High Street Green, Chiddingfold.

Enforcement Notice served to secure removal of a track. Appeal dismissed. Full compliance required by 25 October 2007. Notice not complied with Planning applications WA/2008/0969 & WA/2008/0080 were refused on 25 September 2008. Part of the track was removed in October 2009 but no further activities to fully comply with the Notice have occurred. Appeal against the refusal of the recent retrospective planning application WA/2008/0969 to retain the track was allowed.

However, the existing track is not laid in accordance with this permission. **The Council are currently considering expediency on enforcement action and has taken into consideration the Planning Inspector's comments regarding the grass growing through the track to lessen its impact. The assessment as to whether it is expedient to take further action will be concluded in the next month.**

Enforcement Officer: Dave Andrews

Barbins, Dunsfold

Enforcement Notice served on 16 September 2008 to ensure the removal of a tennis court, flood lights, pavilion building and all associated cables etc. and all resulting materials.

Notice was appealed against. **After dismissal of the appeal, compliance with Enforcement Notice commenced and has nearly been achieved apart from removal of domestic planting. A planning application has now been submitted by the new owners of Barbins to retain this planting in a land swap proposal.**

Enforcement Officer: Darran Eggleton

Mendips, The Green, Dunsfold

Enforcement Notice served on 20 May 2009 to ensure business use ceases at the property and an extension to the building being used in connection with the business is demolished.

Enforcement Notice has not been appealed against, compliance date 26 June 2010.

Enforcement Officer: Gina Pink

Recommendation

That Members note the performance on planning enforcement.

Background Papers

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

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