

WAVERLEY BOROUGH COUNCIL

Title:

PLANNING ENFORCEMENT UPDATE REPORT FOR 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 October to December 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 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 week "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 up 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 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, lighting and the roof to the containers have been removed. However, the owner's mother continues to reside on the site. Prosecution statement has been prepared.**

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 was 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.

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 quashed following an appeal. **New Enforcement Notice has been drafted but further discussions required with legal and planning officer as owners agent wishes to submit a retrospective planning application.**

Enforcement Officer: Gina Pink

Wineham, New Road, Wormley

Enforcement Notice served on 17 December 2009 to secure removal of a 1.9 metre high close-boarded fence. Compliance period one month. Date for compliance 18 February 2010.

Enforcement Officer: Dave Andrews

57 Peperharow Road

Enforcement Notice served on 15 December 2009 to secure cessation of the use of a residential dwelling as a care-home training facility. Compliance period three months. Appeal lodged.

Enforcement Officer: Darran Eggleton

Conclusion

Members are invited to 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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