

Committee: Planning Committee

Date of meeting: 12 February 2019

Subject:	Planning Compliance Update
Lead Officer:	Paul Falconer
Portfolio Holder:	Councillor James Browne
Link to Council Priorities:	Character and Environment P2
Exempt information:	None
Delegated status:	For resolution

Executive Summary:

Performance and work flow of the Planning Compliance team.

Recommended:

That Members note the performance and work flow of the Planning Compliance team.

Report:

1. Introduction

1.1 This report provides an overview of the performance and work flow of the Planning Compliance Team.

2. Current update on Enforcement Cases

2.1 The following are cases where formal notices have been issued and compliance has been achieved recently or where compliance with the notices has not been achieved. Please note that this represents only a small proportion of compliance investigations.

2.2 If Members require further information on these cases or have any questions, please contact the Compliance team.

2.3 Please be aware that the case work summarised below is supported by further extensive background work, much of which is confidential due to its nature as part of current compliance investigations.

East Area

22 Westmont Road, Hinchley Wood, KT10 9BD (INV/2017/0118)

Breach: Alleged unauthorised development - Carport

- Enforcement Notice served 31st October 2017 for the removal of the car port.
- Appeal against Enforcement Notice dismissed 29th October 2018
- Compliance due by 29th December 2018

- Site Visit carried out on 3rd January 2019, car port had been removed
- Case closed

Compliance Officer: Aaron Dawkins

North Area

Boathouse, rear of 16 Hurst Road, East Molesey (INV/2016/0187)

Breach: Unauthorised use, extensions and alterations – residential and commercial

- Enforcement Notice issued on 2nd February 2018 to cease use of land for vehicle repairs, residential and office accommodation, and the storage of various materials ancillary to these uses and remove all materials, vehicles and equipment
- Second Enforcement Notice also issued on 2nd February 2018 to remove single storey side extension and return building to its former external appearance.
- Appeal against Enforcement Notices dismissed 14th August 2018.
- Compliance due by 14th September 2018 for use and 14th November 2018 for extensions and alterations.
- Negotiations carried out with both owner and occupier, through correspondence and site visits.
- Compliance has not been met with either notice.
- The Council instigated prosecution proceedings against both the owner and occupier of the Boathouse on 15th January 2019.
- Both parties have pleaded not guilty, a preliminary hearing has been set for the 18th February 2019, when we expect a date for trial will be confirmed.

Compliance Officer: Aaron Dawkins

Beechcroft, Fieldcommon Lane (INV/2017/0217)

Breach: Unauthorised hoarding, hardcore and portacabin.

- Permission granted under 2015/1120 allowed retention of hoarding, hardcore and portacabin, following demolition of bungalow, for temporary period until 15th May 2017.
- Change of use of land for siting of 5 mobile homes and 1 portacabin (2015/1220) refused on 22nd May 2015.
- Application for 17 flats (2016/3758) dismissed on appeal 19th January 2018.
- Breach of Condition Notice issued 12th October 2018 to remove hoarding, hardcore and portacabin.
- Compliance due by 12th January 2019
- The portacabin has been removed, the hoarding reduced to 1.3m in height and also stained brown.

- The notice has not been complied with in full, however a new application was validated on 21st January 2019, 2018/3677, which proposes seven new dwellings.
- Any further action is being placed on hold pending the outcome of this application.

Compliance Officer: Simon Luke

89 Kings Road Walton-on-Thames, Surrey KT12 2RE (INV/2016/0102)

Breach: Alleged unauthorised development - Siting of storage containers

- Enforcement Notice issued on 16th October 2018 requiring storage container to be removed from the site.
- Compliance due by 16th January 2019.
- Site visit carried out on 12th December 2018, container removed and notice complied with in full.
- Case closed.

Compliance Officer: Aaron Dawkins

Land at Turners Lane, Hersham, Walton-On-Thames KT12 4AW (INV/2016/0147)

Breach: Alleged unauthorised use of land – Storage & Skip Hire

- Enforcement Notices issued on the 14th September 2018 requiring the skip hire and storage uses to cease
- Compliance due by 16th January 2019.
- An appeal has now been lodged against the Enforcement Notices, any further action is placed on hold pending the outcome of the appeal.

Compliance Officer: Victor Unuigbo

59 Bridge Road, East Molesey, Surrey, KT8 9ER (INV/2017/0366)

Breach: Alleged unauthorised use of basement as residential flat

- Enforcement Notice issued on the 16th October 2018 requiring the residential use of the basement to cease and removal of kitchen and bathrooms.
- An appeal has now been lodged against the Enforcement Notices, any further action is placed on hold pending the outcome of the appeal.

Compliance Officer: Aaron Dawkins

12 Stonebanks Walton-On-Thames Surrey KT12 2QE (INV/2017/0239)

Breach: Alleged unauthorised development – Air Conditioning Units

- Enforcement Notice issued on 10th December 2018 requiring units to be removed
- Compliance due by 15th February 2019.
- Site visit carried out on the 18th January 2019, both air conditioning units had been removed.
- Case closed.

Compliance Officer: Simon Luke

South Area

221 Portsmouth Road, Cobham (INV/2014/0542)

Breach: Unauthorised front extension

- Enforcement Notice issued on 12th December 2016 requiring removal of front extension.
- Appeal against Enforcement Notice dismissed 4th September 2017
- Compliance due by 4th November 2017.
- Lawful Development Certificate (2016/4192) refused 4th April 2017.
- Appeal against refusal of Lawful Development Certificate withdrawn on 8th October 2018.
- The Council requested the front extension was removed by the 14th January 2019, which has not been complied with.
- The Council are now liaising with Legal Services and preparing further action to ensure the notice is complied with.

Compliance Officer: Aaron Dawkins

3. Compliance Statistics 2018-2019

	Apr-Jun 18	Jul-Sep 18	Oct-Dec 18	Current Quarter 1st – 28th Jan 19
New Cases	132	108	97	29
Cases Closed	91	121	91	26

Current caseload at 28th January 2019 - 210

4. Complaint Priority

Complaint Priority	Oct 18 – Dec 18
1	1
2	57
3	32
4	7
TOTAL	97

4.1 There are four levels of priority and these are defined as follows:

Priority 1:

- Irreversible damage to the historic or natural environments and breaches likely to cause danger to the public
- Permanent damage to Listed Building or Trees subject to Tree Preservation Orders
- Advertisements posing a danger to the public
- Initial site visit will be undertaken on the working day the breach is reported.

Priority 2:

- Breaches of planning conditions
- Refusals of retrospective planning applications
- Unauthorised development or uses in the Green Belt
- Unauthorised development which causes clear and immediate harm to the living conditions of adjacent residents
- Initial site visit will be undertaken within seven working days of the breach being reported.

Priority 3:

- All other breaches of planning control
- Untidy land/property
- Development where the time limit for enforcement action will expire within six months of the reported breach
- Initial site visit will be undertaken within 14 working days of the breach being reported

Priority 4:

- Advertisements not considered 'urgent'
- Any other planning related matters including telecoms equipment, satellite dishes, solar panels
- Initial site visit will be undertaken within 21 working days of the breach being reported

Financial implications:

There are no financial implications associated with this report as it is for information purposes only.

Environmental/Sustainability Implications:

None

Legal implications:

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

Equality Implications:

None

Risk Implications:

None

Community Safety Implications:

None

Principal Consultees:

Head of Legal Services

Background papers:

None

Enclosures/Appendices:

None

Contact details:

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