

Committee: Planning Committee

Date of meeting: 23 July 2019

Subject:	Planning Compliance Update
Lead Officer:	Paul Falconer
Portfolio Holder:	Councillor Karen Randolph
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 of the Planning Compliance Team.

2. Current update on Previous 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

15 Summer Road, Thames Ditton, Surrey KT8 9LX (INV/2018/0328)

Breach: Unauthorised development – Outbuilding

- An Enforcement Notice was issued on the 18th June, which comes into effect on the 18th July.

- Unless an appeal is submitted before the 18th July, the notice requires the outbuilding to be dismantled and removed from the site by the 18th October.

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.
- Guildford Crown Court has set down a timetable requiring the Prosecution and the Defence(s) to have completed with certain steps to prepare for trial. The trial date has been listed in the court diary for 8 July 2019 for 3 days.
- However, following a hearing on the 1st July, the case has now been adjourned. One of the defendants representative's produced medical evidence regarding concerns about his health and whether he was able to attend Court and as a result, having heard submissions from all the parties, the Court took the view that it was in the interests of justice that the hearing be vacated and relisted at the first available opportunity. The Trial is now listed for 6th to 8th January 2020. Please note this new Trial date.

Compliance Officer: Aaron Dawkins

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, 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

Deepwaters, Wheatleys Eyot, Subury on Thames Surrey TW16 6DA (INV/2019/0021)

Breach: Unauthorised outbuilding

- Enforcement Notice issued on 23rd April to remove the unauthorised outbuilding and any resultant waste from the land.
- An appeal was submitted on the 21st May 2019 against the Enforcement Notice.

Compliance Officer: Aaron Dawkins

South Area

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

Breach: Unauthorised front extension

- Enforcement Notice issued on 12th December 2016
- 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 have instigated prosecution proceedings against both the owner and the operator of the restaurant.
- We had an initial hearing on the 29th April, however this has been adjourned to the 10th June, as neither defendant was able to attend Court.
- **This case has been successfully resolved, prior to the rescheduled hearing the defendant complied with the enforcement notice and the front extension has been removed. To avoid further action the defendant made a payment to cover the Council's full legal costs.**

Compliance Officer: Aaron Dawkins

7 Tinmans Row, Downside Common Road, Downside, Surrey, KT11 3NH (INV/2017/0369)

Breach: Unauthorised gate and outbuilding

- Enforcement Notice issued on the 12th March requiring removal of the gate and outbuilding, including any resultant waste.
- An appeal against the notice was submitted on the 11th April 2019.

Compliance Officer: Simon Luke

Lian Yard, Redhill Road, Cobham, KT11 1EQ (INV/2016/0140)

Breach: Unauthorised fencing, hardstanding and use of the land for parking and storage of vehicles.

- Three Enforcement Notices issued on the 26th April 2019.
- The Enforcement Notices seek to address the unauthorised hardstanding, fence and use of the site for parking and storage of vehicles.
- Separate appeals have been submitted against each notice. The matter is now holding, pending the outcome of the appeals.

Compliance Officer: Aaron Dawkins

Alba Stables, Bridge Way, Cobham, Surrey (INV/2015/0357)

Breach: Unauthorised development and use of the land

- Four Enforcement Notices issued on the 3rd May.
- The notices cover all unauthorised development which has taken place on the site, including the siting of mobile homes, erection of fencing, formation of hardstanding, raising of the landlevels. use for commercial dog walking and use for storage of scaffolding/building materials.
- Separate appeals have been submitted against each notice. The matter is now holding, pending the outcome of the appeals.

Compliance Officer: Aaron Dawkins

3. Compliance Statistics

	Jul-Sep 18	Oct-Dec 18	Jan-Mar 19	April – June 19
New Cases	108	97	110	114
Cases Closed	121	91	118	147

Current caseload at 5th July 2019 – 161.

4. Complaint Priority

Complaint Priority	April – June 2019
1	3
2	99
3	7
4	5
TOTAL	114

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 panel.
- 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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