

**Committee: Planning Committee**

**Date of Meeting: 18 August 2020**

<b>Subject:</b>	Planning Compliance Update
<b>Lead Officer:</b>	Paul Falconer
<b>Portfolio Holder:</b>	Councillor Karen Randolph
<b>Link to Council Priorities:</b>	Character and Environment
<b>Exempt Information:</b>	None
<b>Delegated Status:</b>	For resolution

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

**1 Caerleon Close, Claygate, Esher, Surrey KT10 0TY (INV/2015/0257)**

**Breach: Unauthorised development – detached garage**

- Enforcement Notice issued on the 17th May 2017, which required demolition of the existing garage and removal of all resulting materials from the site.
- The notice came into effect on the 17th June 2017 and allowed three months from this date for the notice to be complied with. Over two years

have since passed and the Council have unsuccessfully attempted to negotiate compliance with the Enforcement Notice.

- Prosecution proceedings have since been instigated, although the defendant has failed to appear as summoned. There is an outstanding warrant for their arrest and we are waiting for a date they to return to court for a hearing.
- A new court date has been set for 28<sup>th</sup> August, this is a holding date and will be confirmed closer to the time.

Compliance Officer: Aaron Dawkins

---

### **11 Carlton Avenue East Molesey Surrey KT8 0AL (INV/2018/0220)**

#### **Breach: Tree Removal (Breach of Condition)**

- Breach of Condition Notice issued on the 14<sup>th</sup> November 2019, which takes effect on the 14<sup>th</sup> December 2019.
- The notice requires the replanting of two Silver Birch trees on site, by the 14<sup>th</sup> June 2020.
- The case will be visiting the site to confirm compliance with the Notice.

Compliance Officer: Simon Luke

---

### North Area

### **Land north west of Cherry Orchard Gardens East Molesey Surrey (INV/2018/0448)**

#### **Breach: Material change of use – permanent mooring of a boat(s)**

- On 8 August the Planning Compliance Team issued 9 Enforcement Notices for a number of moorings located north west of Cherry Orchard Gardens/
- The subsequent appeals against the Notices were invalidated by The Planning Inspectorate on 13 January 2020. As a result, the Notices came into effect on that day. The Notices require the use of the land for the permanent mooring of a boat(s) to cease, and any structures, fencing or enclosures, which have been erected in association with the use of the Land for the permanent mooring of a boat(s), to be removed. The period for compliance is one calendar month, i.e. by 13 February 2020.
- The Council have been notified that some of those served with the Notices are challenging the decision by The Planning Inspectorate to invalidate their appeals. Given the above, we are currently placing any enforcement action on hold, however, this is under regular review.
- On the 21<sup>st</sup> May the Planning Inspectorate confirmed that they would not be validating the appeal by the boat owners, as they do not have a legal

interest in the land. Several the boat owners are continuing to challenge this decision and as such enforcement action remains under review. Those who are not challenging this decision or the enforcement notices have been given until the 21<sup>st</sup> August to comply with the notice or formal enforcement action will be considered.

Compliance Officer: Aaron Dawkins

---

---

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

**Breach: Unauthorised outbuilding**

- Enforcement Notice issued on 23<sup>rd</sup> April to remove the unauthorised outbuilding and any resultant waste from the land.
- An appeal was submitted on the 21<sup>st</sup> May 2019 against the Enforcement Notice.
- The appeal was dismissed on the 28<sup>th</sup> August, the notice is required to be complied with by 28<sup>th</sup> November.
- A planning application has been submitted to extend the outbuilding and demolish the existing dwelling (ref: 2019/3354). The Council are placing further enforcement action on hold pending the outcome of this application.

Compliance Officer: Aaron Dawkins

---

**Land to the West of 141 Fleetside, West Molesey (INV/2015/0334)**

**Breach: unauthorised development – hoarding**

- Enforcement Notice issued on the 23<sup>rd</sup> October 2019, requiring the hoarding to be removed by the 25<sup>th</sup> January.
- Officers revisited the site on the 29<sup>th</sup> July and noted the notice had been complied with in full.

Compliance Officer: Jane McCool

---

**28 Sidney Road Walton on Thames Surrey KT12 2NA (INV/2019/0221)**

**Breach: Alleged unauthorised change of use from detached garage to single dwellinghouse.**

- Enforcement Notice issued on the 22<sup>nd</sup> January 2020, requiring the use of the garage as a dwellinghouse to cease and removal of both kitchen and bathroom.
- An appeal against the Enforcement Notice has been submitted and further action is now on hold pending the outcome of the appeal.

Compliance Officer: Melanie Ravet

---

**72 Hurtwood Road Hersham Walton on Thames Surrey KT12 3QR  
(INV/2019/0213)**

**Breach: Alleged unauthorised change of use for the keeping of dogs**

- Enforcement Notice issued on 4<sup>th</sup> December 2019, which came into effect on the 9<sup>th</sup> January 2020.
- Enforcement Notice requires the number of dogs at the property to be reduced to no more than six, by the 9<sup>th</sup> July 2020.
- **Due to the coronavirus pandemic, we have agreed that further action will not be taken against the non-compliance with the notice until the 4<sup>th</sup> January 2021. This will allow the recipient the additional time they need to secure compliance with the notice.**

Compliance Officer: Melanie Ravet

---

**81 Upper Farm Road West Molesey Surrey KT8 2QU (INV/2019/0065)**

**Breach: Alleged unauthorised development – rear extension**

- Enforcement Notice issued on the 18<sup>th</sup> December 2019, requiring either removal or reduction in size, of a single storey rear extension.
- **An appeal was submitted against the notice which was successful, and the notice was quashed.**

Compliance Officer: Melanie Ravet

---

**364 Walton Road East Molesey Surrey KT8 2JE (INV/2019/0243)**

**Breach: Alleged unauthorised change of use of detached garage to single dwellinghouse**

- Enforcement Notice issued on the 27<sup>th</sup> November 2019, requiring the use of the garage as a dwelling to cease, and both the kitchen and bathroom to be removed.
- An appeal has been submitted against the notice, which was dismissed.

- **The notice is required to be complied with in full by 2<sup>nd</sup> April 2021.**

Compliance Officer: Melanie Ravet

---

South Area

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

**Breach: Unauthorised gate and outbuilding**

- Enforcement Notice issued on the 12<sup>th</sup> March requiring removal of the gate and outbuilding, including any resultant waste.
- An appeal against the notice was submitted on the 11<sup>th</sup> April 2019.
- The appeal was dismissed on the 10<sup>th</sup> October 2019, the notice was required to be complied with by the 10<sup>th</sup> November.
- A site visit was undertaken on the 11<sup>th</sup> November, 28<sup>th</sup> November and 6<sup>th</sup> January, during which the noticed had not been complied with.
- **The Council are now considering commencing prosecution proceedings for non-compliance with an Enforcement Notice.**

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 26<sup>th</sup> April 2019.
- The Enforcement Notices seek to address the unauthorised hard standing, fence and use of the site for parking and storage of vehicles.
- Separate appeals have been submitted against each notice.
- **The appeal process has now started, and Council have already submitted their Statement of Case. We are looking to agree a date for a Public Inquiry in January 2021.**

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 3<sup>rd</sup> May 2019.
- 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 on hold, pending the outcome of the appeals.
- **The appeal process has now started, and Council have already submitted their Statement of Case**

Compliance Officer: Aaron Dawkins

---

### **Land at 5 Copse Road Cobham Surrey (INV/2018/0071)**

#### **Breach: Unauthorised development – roof extension**

- Enforcement Notice issued on the 23<sup>rd</sup> August 2019, requiring the roof alterations to either be removed, or reduced in accordance with a plan provided with the Enforcement Notice.
- The Enforcement Notice has been appealed and the matter is on hold pending the outcome of the appeal.

Compliance Officer: Simon Luke

---

### **Land North of Oakmead Lodge, Seven Hills Road, Cobham (INV/2015/0334)**

#### **Breach: Unauthorised use of the land for siting of caravans and storing depositing of waste.**

- Enforcement Notice issued on the 24<sup>th</sup> July 2019, requiring use of the site for the stationing of a caravan and storage of vehicles, to cease by the 23<sup>rd</sup> October 2019.
- Officers visited the site shortly after the 23<sup>rd</sup> October and noted there were numerous caravans sited on the land. In addition, insufficient progress had been made in relation to the amount of waste which has been deposited and stored on the land.
- New Enforcement Notices were issued on the 18<sup>th</sup> December, which came into on the 27<sup>th</sup> January 2020, requiring all caravans and waste to be removed from the site by the 27<sup>th</sup> March 2020.
- **Officers have visited the site since and noted that the Enforcement Notices have not been complied with and we are considering further action to ensure compliance is achieved.**

Compliance Officer: Aaron Dawkins

---

### **Woodend Leatherhead Road Oxshott (INV/2019/0178)**

#### **Breach: Alleged unauthorised development – outbuilding.**

- Enforcement Notice issued on 14<sup>th</sup> October requiring removal of the outbuilding and all resultant waste.
- **An appeal was submitted against the notice which was successful, and the notice was quashed.**

Compliance Officer: Simon Luke

**Weytots Wey Meadow Island Wey Manor Road New Haw Surrey KT15 3JR (INV/2016/0413)**

**Breach: Alleged unauthorised change of use of the land, for the siting of caravans.**

- Enforcement Notice issued on the 18<sup>th</sup> December 2019, requiring the use of the land for the siting of caravans, to cease.
- Notice came into effect on the 27<sup>th</sup> January 2020 and compliance is required by the 27<sup>th</sup> April 2020.
- An extension has agreed with the owner, bearing in mind the current Covid 19 restrictions and difficulties associated with removing the inhabitants of the mobile homes, this is under regular review.

Compliance Officer: Aaron Dawkins

**14b Pony Chase Cobham Surrey KT11 2PF (INV/2018/0377)**

**Breach: Alleged unauthorised development – raised decking/seating area.**

- Enforcement Notice issued on the 28<sup>th</sup> November, requiring complete removal of the raised decking/seating area.
- **An appeal has been submitted against the notice, which was dismissed, and the notice is required to be complied with in full by the 15<sup>th</sup> August.**

### 3. Compliance Statistics

	<b>October-December 2019</b>	<b>January – March 2020</b>	<b>April – June 2020</b>	<b>July - Current</b>
New Cases	94	101	127	53
Cases Closed	110	89	100	39

Current caseload at 30<sup>th</sup> July - 210

#### 4. Complaint Priority

Complaint Priority	January - Current
1	0
2	50
3	0
4	3
TOTAL	53

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:**

Paul Falconer, Development Manager, Planning Services  
pfalconer@elmbridge.gov.uk