

Quarterly Planning Enforcement Report

2017 Quarter 4

1 January 2018 – 31 March 2018

Introduction

This report is prepared to summarise the level of activity for planning enforcement within Cornwall Council for the quarter 1 January 2018 – 31 March 2018. The team:

- Responds to reports concerning alleged breaches of planning control
- Represents the Council at any subsequent enforcement appeals and prosecutions
- Deals with all applications for Certificates of Lawfulness for an Existing Use/Development
- Pro-actively monitor the waste and mineral sites in Cornwall
- Pro-actively monitor Section 106 planning obligations
- Provides discretionary advice to those that have identified a problem, usually at the conveyancing stage

Project work

694 new trees have been planted across Cornwall as a result of the recent pro-active project undertaken by the enforcement team. Since January 2018 the team has contacted 754 applicants who were required to plant replacement trees as part of a planning condition of a permission they have previously received from the Local Planning Authority. The work received positive feedback and it will be scheduled as a regular project in future.

Responding to Alleged Breaches

Validation/Registration

Reports are made either online, via the customer contact centre, or via email to the planning enforcement mailbox. When a new report is received, the technical officers determine whether there is sufficient information to enable an officer to investigate the matter, in which case the report is validated and registered for investigation. If there is insufficient information, or the matter reported is not a breach of planning control, it will not be registered for investigation. We receive approximately 200 enquiries to enforcement every month.

We aim to provide an initial response as to whether the matter is a breach or whether it will be logged for investigation within 14 working days.

New Enforcement Cases

Once the matter has been validated because it requires further investigation, it is logged as an enforcement case and registered to an enforcement case officer to progress.

We aim to determine our course of action within 13 weeks from the date the case was registered. (Or 8 weeks for high priority cases which are immediate works to trees or immediate works to listed buildings) This does not necessarily mean that the case will be closed within that time; for example, it could be that the agreed course of action is to seek the cessation of the breach, but having made that decision there are many legal stages that we need to go through which can take some time. However, the initial decision as to what we intend to do on the case is likely to be made within the 13 weeks. As at the end of March, 99% of the cases had an agreed course of action within the timescales.

NB. If a number of individuals report the same issue, it is still counted as a single case.

Cases received and allocated to a case officer for investigation	522
Cases closed by officers	488
Ongoing cases with officers	992

Enforcement Cases Closed

We have closed 488 cases during this quarter. This can be broken down as follows:

No breach found	198
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Officer has found that the reported matter was not a breach of planning control

Permitted development	21
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Officer has found that the matter reported constituted 'permitted development', and therefore is not a breach of planning control

Breach resolved or ceased by negotiation	52
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Officer has negotiated a solution with the landowner/occupier to voluntarily cease the development or reduce/alter it to make it acceptable

Not expedient	105
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The matter is a breach of planning control, but there is no harm caused and therefore no further action can be taken

Application received / planning permission granted	84
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Planning permission is in place for the development, or the officer has managed to get the landowner/occupier to submit an application to retain the development

Notice served

7

Formal enforcement action has been taken and a Notice has been served requiring remedial action

Immune from enforcement action

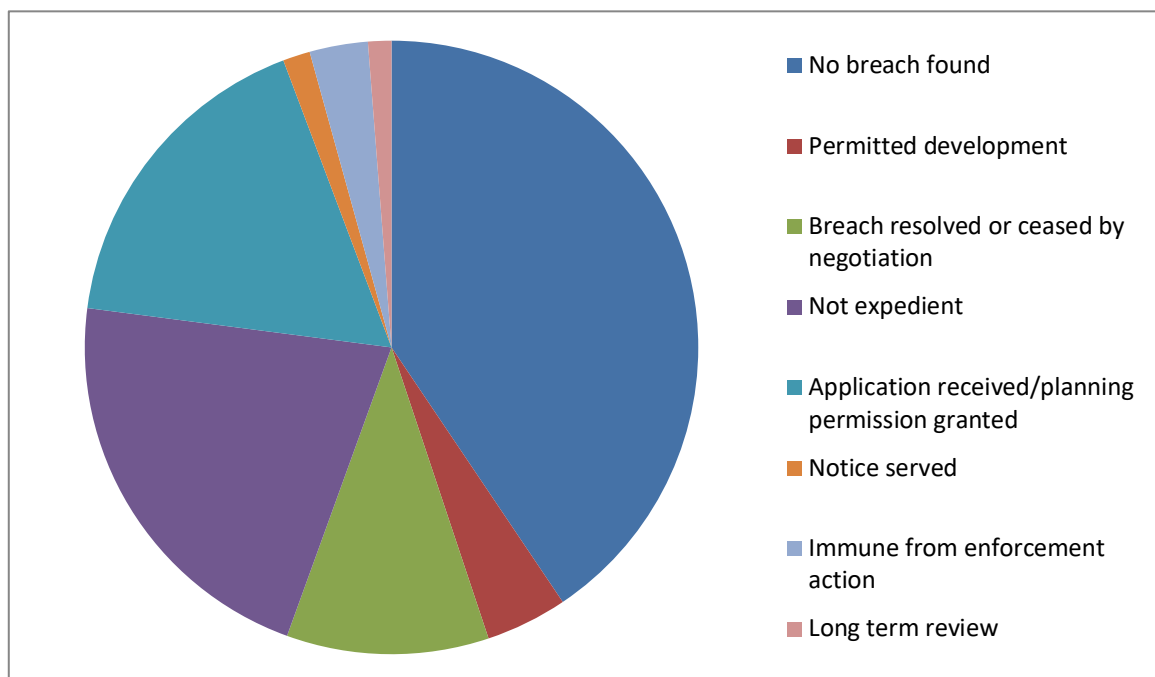
15

The development has existing for such a period of time that it is now lawful, and therefore enforcement action cannot be taken (Section 171B of the Town and Country Planning Act 1990, as amended)

Long term review

6

The officer has agreed to allow a longer period of time for voluntary compliance, for example, taking account of personal circumstances of the occupiers or their need to explore other options to enable compliance, or to seek legal advice. Case is closed whilst such actions are undertaken, and the case officer will review it at the given date.



Note: There was no breach in planning regulations in 40% of the cases that were fully investigated.

Enforcement Notices

This quarter we have served the following formal notices:

Planning Contravention Notices

91

This is a formal questionnaire to obtain factual information

Enforcement Notices	4
This requires the unauthorised development to cease, in whole or in part, to overcome the harm caused by the development	
Section 215 Untidy site notices	0
This requires works to be undertaken to untidy land or buildings to make them secure and visually acceptable	
Breach of Condition Notice	3
This requires action to be taken to comply with a condition on a planning permission	

Enforcement Appeals and Prosecutions

Enforcement Appeals Lodged **0**

Enforcement Appeals Decided **3**

EN15/00487 – Eothen, Victoria, Roche – Material change of use of land for residential purposes (including stationing of mobile home and coach/bus) – Appeal dismissed and compliance due by 15 December 2018

EN17/00187 – South Bosvargus Farm, Bosvargus, St Just –stationing storage containers on land and parking vehicles used in connection with removals business – appeal dismissed and compliance due by 22 March 2019

EN15/00379 – Chy an Mor, Porthallow, St Keverne – erection of timber staircase to, and glass balustrade on, the roof of the building – appeal dismissed and compliance due by 1 May 2018

Certificate of Lawfulness Applications

Total number of applications	28
Approved	11
Refused	0
Awaiting determination	17
Withdrawn	0

Monitor of waste and mineral sites

The enforcement team pro-actively monitors mining and landfill sites in the County to ensure planning conditions on permissions are being adhered to. For this quarter 23 sites were visited, and following these visits a report on the findings was issued within the 18 working days target for all 23 sites.

Monitor of Section 106 planning obligations

S106 agreements established for monitoring	15
Alleged breaches of s106 agreements noted for investigation	3
Cases sent to legal for litigation	3

Discretionary Services

Resolving conveyancing issues	3
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This relates to the enforcement department's expedited services, where a fee has been paid for a quick response usually to resolve a conveyancing issue.