London Borough of Sutton
Development Control Committee

Report of the Executive Head of Planning, Transport and Highways

Progress Report on the Planning Enforcement Service

Ward Location: **Not Applicable**

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Area Served: **Borough-Wide**

Summary
This report reviews the progress of the Planning Enforcement Service for the period 1 September 2011 to 29 February 2012.

Recommendations
1) To note the contents of the report.

1 Background

1.1 At the Strategic Planning Strategy Committee Advisory Group of 21 March 2005 members agreed to a change in the way the progress and performance of the Planning Enforcement Service is reported to Members. It was agreed that reports should be submitted twice yearly and cover statistically all enforcement action for the relevant period.

1.2 This report concerns the period from 1 September 2011 to 29 February 2012.

2. Six Month Period 1 September 2011 to 29 February 2012

2.1 In the six month period from 1 September 2011 to 29 February 2012 a total of 127 new enforcement cases were received.

2.2 The new cases received in the six month period 1 March 2011 to 31 August 2011 divided into the four areas as follows:

Area	Priority One	Priority Two	Priority Three
Cheam and Worcester Park	2	7	25
Sutton	2	11	26
Carshalton and Clockhouse	2	5	22
Beddington and Wallington	1	10	14

2.3 108 cases were closed between September 2011 and February 2012. 56 cases from this period are still under investigation. 168 cases are still on hand and being investigated in total.

2.4 Over this six month period the initial site visit was made within the agreed time period in 91% of the cases. 24 of the total number of cases received concerned a breach of planning control.

2.5 In this six month period a total of 108 cases have been closed, for the following reasons:

Permitted Development	23
No Breach of Planning Control	29
Breach Ceased	8
Planning Permission Granted	6
No Further Action	16

2.6 A total of 3 Enforcement Notices, Breach of Condition Notices, Advertisement Discontinuance Notices and Temporary Stop Notices have been issued. No Enforcement Notices are currently the subject of appeals. No appeal decision has been received, in which the Inspector found in favour of the Council, no appeal decisions have been received where the Inspector granted the deemed planning application subject to conditions being met. The requirements of one enforcement notice have been met. Three cases are currently with the Courts.

2.7 At the time of writing, but outside of the reporting period, there are two sites where the enforcement team is seeking to undertake direct action. One of these is essentially complete whereas the other requires further court order to temporarily remove the householders while the works to their property take place.

3. Financial Implications

3.1 None

4. Influence of the Council's Core Values

4.1 Continued improvement of the Planning Enforcement Service will help the Council to achieve its corporate policy objectives for the environment and a prudent and well-managed Council and provide a service required by Statute.

5. Contribution to the Achievement of the Council's Policy Aims

5.1 The enforcement service contributes towards achieving Council's services that are open and accessible so that everyone should feel confident to approach us with their concerns. If any part of the service fails, it reflects badly on the Council's image as a responsive and accessible service provider. Public acceptance of the development control service is quickly undermined if unauthorised development, which is unacceptable in planning terms is allowed to proceed. It is therefore critical that the enforcement service continues to improve and that the Council's core value of accessible services is reflected in any actions taken.

6. Background Papers

Agreed Priorities – included as an appendix to this report

Appendix - Agreed Priorities

Priority One Cases: Site visit within 2 working days of date complaint letter received.

Demolition of buildings, erection of new buildings, unauthorised works to Listed Buildings and protected trees, cessation of building works or use, which would otherwise become immune from enforcement by reason of the statutory time limits. Development within Conservation Areas.

Priority Two Cases: Site visit within 5 working days of date complaint letter received.

Development causing significant nuisance to the occupiers of nearby residential properties.

Cases considered under this priority would include the following:

1. The use of sites that due to the hours of use, or the type or intensity of that use, cause significant nuisance to the amenities of the occupiers of nearby residential properties by reason of increased noise, or disturbance. Such developments will therefore include businesses operating from residential properties.
2. Extensions to existing buildings, or buildings within the residential curtilage of a property where they have a significant effect on the amenities of nearby residential occupiers by reason of loss of day light or sun light, loss of privacy or visual intrusion. Garden fences or walls would not be considered to be Priority Two cases as these rarely have a significant adverse effect on the amenities of adjoining or nearby residential occupiers.

Priority Three Cases: Site visit within 10 working days of date complaint letter received.

Other development, including the erection of fences and walls, advertisements and satellite dishes.