

# **Test Valley Borough Council Planning and Building Service**

## **Planning Enforcement Quarterly Report**

**1 July – 30 September 2016**

## 1.0 INTRODUCTION

1.1 This report seeks to provide a summary of the work undertaken, by the Enforcement team across the Test Valley area, for the period of 1 July to 30 September 2016. It reports the second quarterly statistics contributing to the work undertaken in the financial year of 2016/17, as well as a comparison of other relevant statistical data.

## 2.0 NUMBER OF NEW COMPLAINTS

2.1 The work of the Enforcement team remains principally reactive to complaints and queries from Ward Members, Parish Councils, staff and the public about alleged breaches of planning control. Team members, however, also have a number of cases which include proactive monitoring and engagement into planning matters. During the second quarter of 2016/17, a total of 236 new cases were registered in the Borough. The distribution of these new cases received across this period illustrated in Figure 1 compares the data of the second quarter of the financial quarter with the same period of the previous year. The data shows that a similar number of new complaints were received in each respective period.

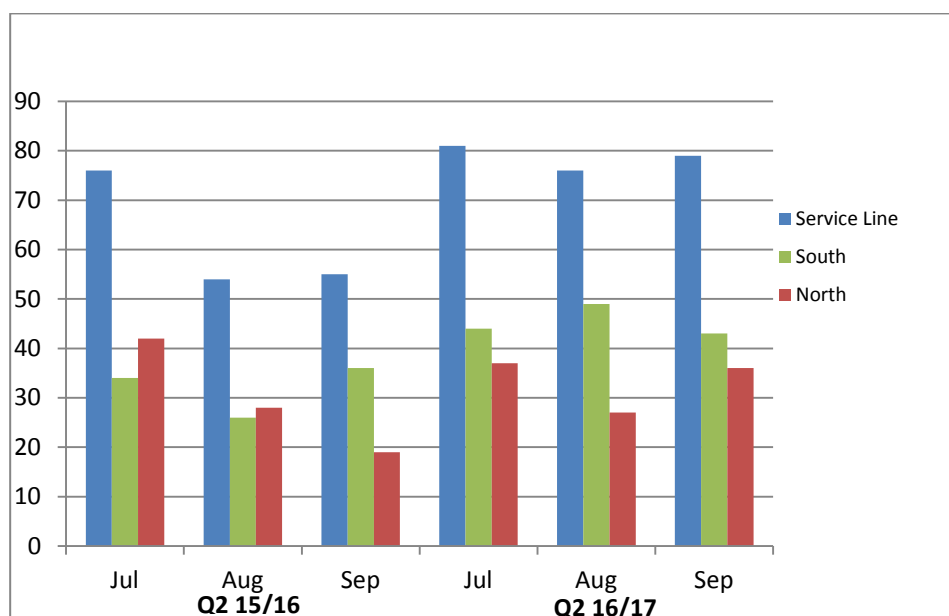


Figure 1: Numbers of new enforcement cases received since 1 July 2016 up to and including 30 September 2016, and comparison of the same financial period of 2015/2016.

## 3.0 NUMBER OF CASES CLOSED

3.1 The Enforcement team concluded 218 cases during the second quarter of 2016/17. This figure still includes a number of highly complex cases, both new and a few brought forward from the past twelve months. The distribution of cases closed is illustrated in Figure 2 below and compares the data with the second quarter of 2016/17.

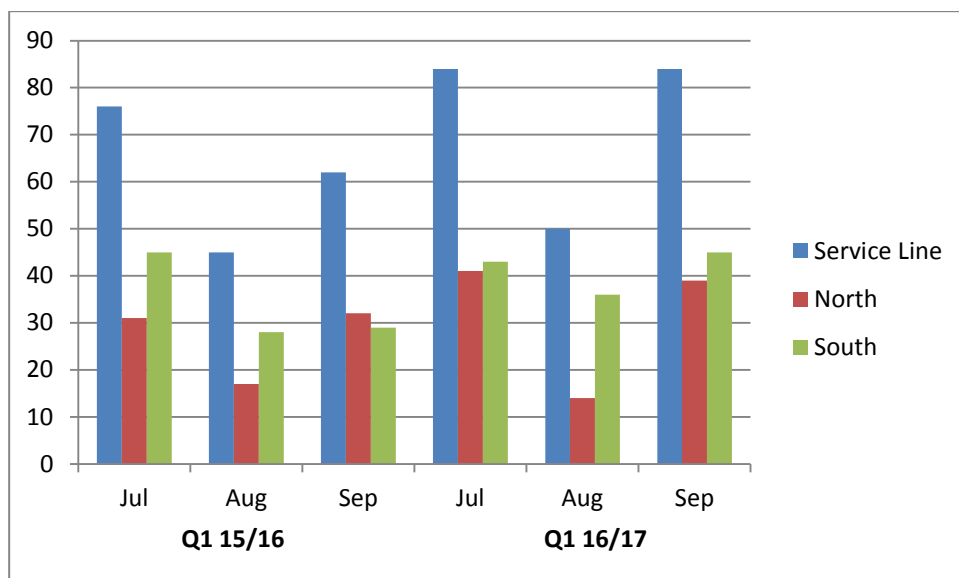


Figure 2: Numbers of new enforcement cases concluded in the second financial quarter of 2016/2017 (1 July up to 30 September 2016) within Borough and comparison of the same financial period of 2015/2016.

### 3.2 The numbers of cases closed across the Wards of Test Valley since April 2016.

North	Apr - Jun	Jul - Sep	Total	South	Apr - Jun	Jul - Sep	Total
Amport	4	2	6	Ampfield & Braishfield	7	9	16
Andover Alamein	5	7	12	Blackwater	20	15	35
Andover Harroway	11	12	23	Broughton & Stockbridge	4	2	6
Andover Millway	9	7	16	Chilworth, Nursling & Rownhams	22	20	42
Andover St Marys	27	17	44	Dun Valley	4	8	12
Andover Winton	12	11	23	Kings Somborne, Michelmersh and Timsbury	9	14	23
Anna	13	12	25	North Baddesley	7	10	17
Bourne Valley	2	6	8	Romsey Abbey	18	15	33
Broughton & Stockbridge	10	3	13	Romsey Cupernham	2	3	5
Charlton	4	3	7	Romsey Extra	14	6	20
Harewood	5	6	11	Romsey Tadburn	5	17	22
Over Wallop	2	2	4	Valley Park	8	5	13
Penton Bellinger	12	7	19				

Table 1: Numbers of cases closed since 1 April 2016, ending 30 September 2016.

### 3.3 An enforcement case can be considered as closed for a number of reasons, as shown in Table 2. The proportion of each reason type is also provided within this table.

No closed	%	Reason	Explanation
60	28	No breach of Planning control	Development subject of the complaint or enquiry either had: a) the benefit of planning permission; b) fell within ' <i>permitted development</i> ' tolerances; or c) did not constitute ' <i>development</i> ' within the meaning of the Town and Country Planning Act 1990.
47	22	Remedied	Infringement a) Advertisement - removed, or a formal 2 day advert notice complied with; b) formal enforcement notice having been complied with; c) Planning condition - terms of condition are now being complied with or details formally submitted for consideration
21	10	Breach of Planning Control / Advertisement Regulation Infringement	Various types of retrospective applications or regularisation applications being submitted to the Local Planning Authority
53	24	Other	a) Breach being a type that falls within the control of other agencies with their own enforcement powers (eg Hampshire County Council, Environmental Health, Police etc); b) de minimis; c) case comprised a solicitor enquiry pursuant to the purchase of property or land
35	16	No further action	where the breaches of planning were either time barred (eg out of time and therefore immune from enforcement action), or where a decision has been made that it would not be expedient to pursue formal enforcement action or the enquiry/complaint had been resolved
2	1	Deemed Consent	where consent is automatically granted for the display of an advertisement; subject to standard conditions

Table 2: Cases closed during Quarter 2 2016/17

- 3.4 In the case of “no further action”, the breach has been considered against the planning policies contained within the Test Valley Borough Revised Local Plan 2011 - 2029 and other material considerations and it was concluded to be inappropriate to take formal enforcement action, as the breach is either trivial or causes no harm in planning terms.
- 3.5 The conclusions drawn on the cases closed during the second quarter of 2016/17 is illustrated within Figure 3.

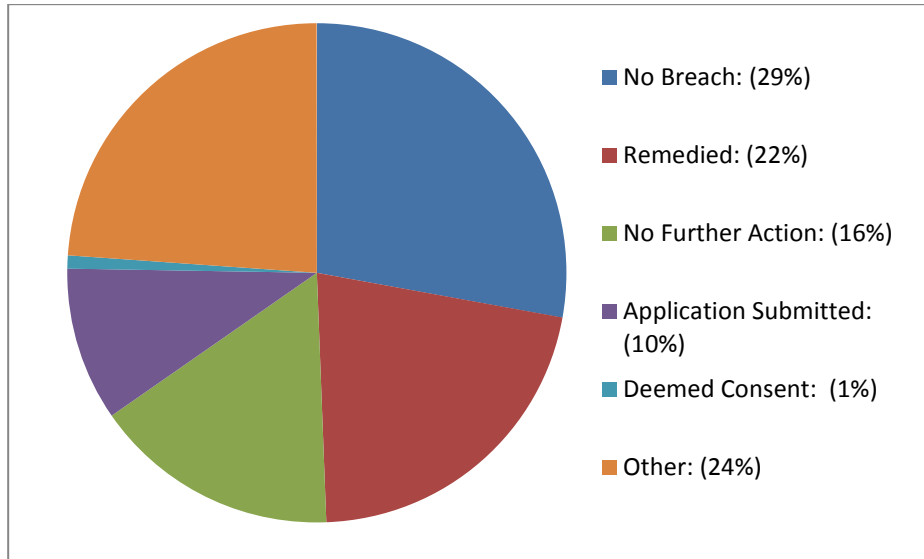


Figure 3: The conclusion of cases in the second quarter of 2016/17 – 1 July – 30 September 2016

#### 4.0 RETROSPECTIVE APPLICATIONS

4.1 During the three months of the second quarter of 2016/17, 17 applications were registered as being retrospective or containing a retrospective element or were a certificate of lawful use/development arising from an enforcement investigation. The 17 applications related to addressing either operational development, changes of use, works to listed buildings or the displaying of unauthorised advertisements. Of these applications, 10 (58.2%) remain under consideration, 4 (23.5%) have been approved, whilst 3 (17.6%) were withdrawn.

4.2 These 17 retrospective submissions contributed towards the 218 enforcement cases concluded during this quarter on the grounds that a submission had been made to Test Valley Borough Council. Please note that applications which are withdrawn, result in no further action or closed as invalid, refused or not determined by the authority for other reasons, are returned back to the Enforcement team to progress towards a final conclusion.

#### 5.0 PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS

5.1 Test Valley Borough Council has a Key Performance Indicator (KPI) to conclude 80% of planning enforcement complaints within 42 working days of receipt, with the KPI monitored from the 1 April – 31 March yearly. Performance against this target was 80% for the current quarter.

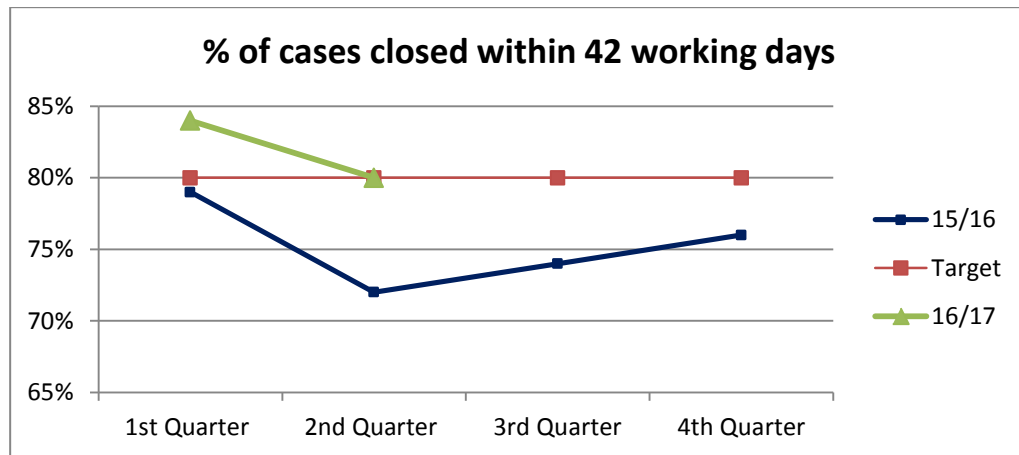


Figure 4: Quarterly and Monthly performance figures against the KPI target.

## 6.0 FORMAL ACTION

- 6.1 During the second quarter of 2016/17, one Enforcement Notice has been served.
- 6.2 The Notice refers to 47 Lakeside Avenue, Rownhams, Hampshire, SO16 8DP Without planning permission, the erection of a car port. The applicant has lodged an appeal against the service of the notice.

## 7.0 LEGAL ACTION

- 7.1 No legal action (eg injunction, prosecutions) during this quarter has been taken or instigated.

## 8.0 ENFORCEMENT APPEALS

- 8.1 There is currently one pending enforcement appeal. This appeal relates to 47 Lakeside Avenue, Rownhams, Hampshire, SO16 8DP.
- 8.2 The appeal is proceeding on ground (d):- that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice. The decision is pending.

## 9.0 SECTION 106 CONTRIBUTIONS

- 9.1 The Enforcement team, in conjunction with the Planning Support team and others, are responsible for ensuring that contributions are received by the Council in respect of planning permission granted for certain types of development. During the last financial year (2015/16) the Council received £2,667,077.42 from developer contributions. Contributions are gathered and have been secured principally for affordable housing, community facilities, environmental matters, footpaths, highways, public open spaces, swimming pool and travel plans. For the second quarter of 2016/17 the Council received contributions totalling £315,893.46.

## 10.0 TEAM MATTERS

- 10.1 The team remains committed to achieving good performance results and making timely decisions. The team has also successfully met its KPI targets.