

Test Valley Borough Council Planning and Building Service

Planning Enforcement Quarterly Report

1 January – 31 March 2017

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 January to 31 March 2017. It reports the fourth 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 fourth quarter of 2016/17, a total of 174 new cases were registered in the Borough. The distribution of these new cases received across this period is illustrated in Figure 1 below and compares the data of the fourth quarter in 2015/2016.

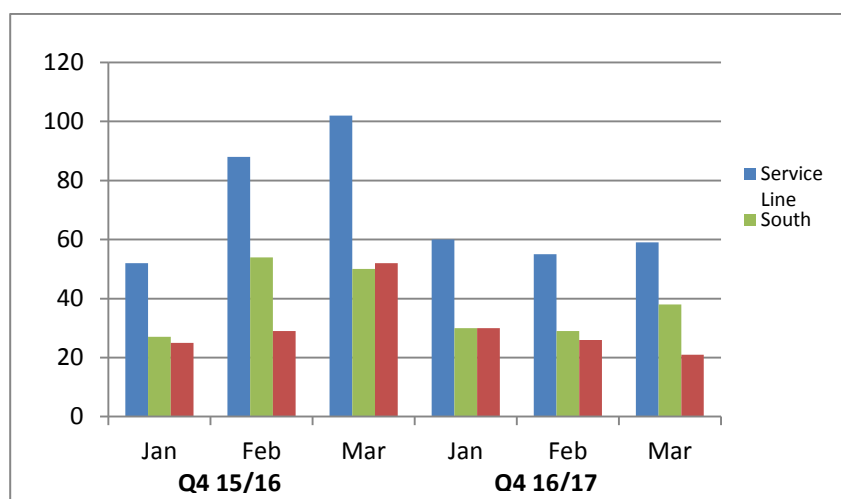


Figure 1: Number of enforcement cases received

3.0 NUMBER OF CASES CLOSED

3.1 The Enforcement team concluded 171 cases during the fourth 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 fourth quarter of 2015/16.

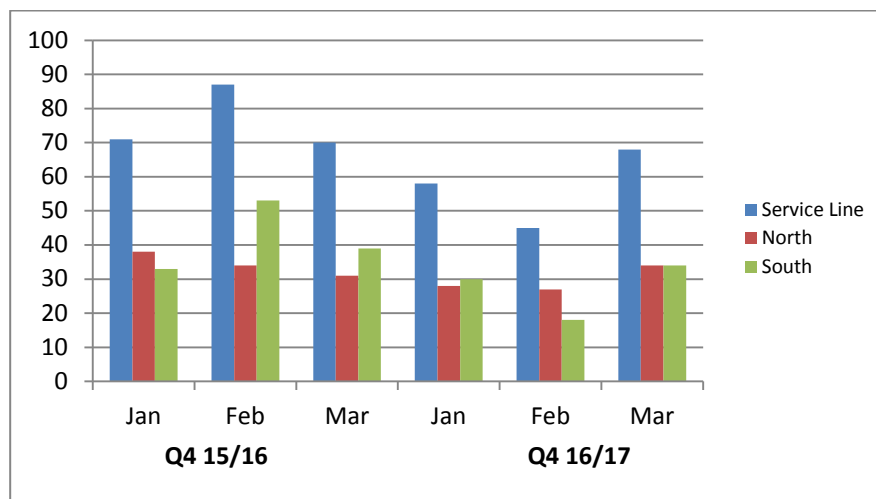


Figure 2: Number of enforcement cases concluded

3.2 The numbers of cases closed across the Wards 1 April 2016 - 31 March 2017.

North	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Total
Amport	4	2	6	5	17
Andover Alamein	5	7	6	8	26
Andover Harroway	11	12	6	7	36
Andover Millway	9	7	14	9	29
Andover St Marys	27	17	13	19	76
Andover Winton	12	11	6	7	36
Anna	13	12	9	11	45
Bourne Valley	2	6	4	1	13
Broughton & Stockbridge	10	3	4	5	22
Charlton	4	3	0	4	11
Harewood	5	6	2	6	19
Over Wallop	2	2	1	3	8
Penton Bellinger	12	7	5	4	28

South	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Total
Ampfield & Braishfield	7	9	2	6	24
Blackwater	20	15	16	9	60
Broughton & Stockbridge	4	2	5	4	15
Chilworth, Nursling & Rownhams	22	20	18	11	71
Dun Valley	4	8	5	2	12
Kings Somborne, Michelmersh and Timsbury	9	14	8	6	37
North Baddesley	7	10	12	8	37
Romsey Abbey	18	15	16	8	57
Romsey Cupernham	2	3	4	5	14
Romsey Extra	14	6	16	12	48
Romsey Tadburn	5	17	5	8	35
Valley Park	8	5	9	3	25

Table 1: Number of cases closed between 1 April 2016 and 31 March 2017

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
27	16	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.
37	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
27	16	Breach of Planning Control / Advertisement Regulation Infringement	Various types of retrospective applications or regularisation applications being submitted to the Local Planning Authority

No closed	%	Reason	Explanation
33	19	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
45	26	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 4 2016/17

3.4 In the case of “no further action”, the breach has been considered against the planning policies contained within the TVBC Revised Local Plan 2011 - 2029 and other material considerations such as national planning policy framework (NPPF) and national planning policy guidance (NPPG).

As such, it was concluded that it would be inappropriate to take formal enforcement action, against these specific breaches, as the breach is either trivial or causes no harm in planning terms.

3.5 The conclusions drawn on the cases closed during the fourth quarter of 2016/17 are illustrated within Figure 3.

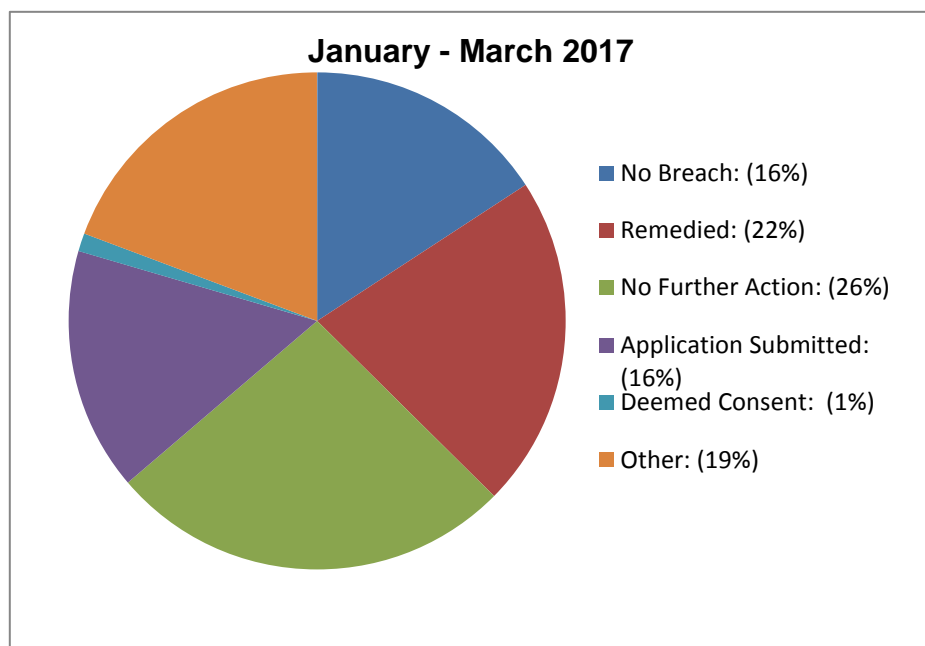


Figure 3: The conclusion of cases in the forth quarter 1 January – 31 March 2017

4.0 RETROSPECTIVE APPLICATIONS

4.1 During the three months of the fourth quarter of 2016/17, 27 applications were registered as being retrospective or containing a retrospective element or a certificate of lawful use/development arising from an enforcement investigation. The 27 applications related to addressing either operational development, changes of use, works to listed buildings or the displaying of unauthorised advertisements. Of these applications, 16 (59.0%) remain under consideration, 10 (37.0%) have been approved, 1 (4.0%) remains invalid, whilst 0 (0.0%) was refused.

4.2 These 27 retrospective submissions contributed towards the 171 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 76% for the current quarter.

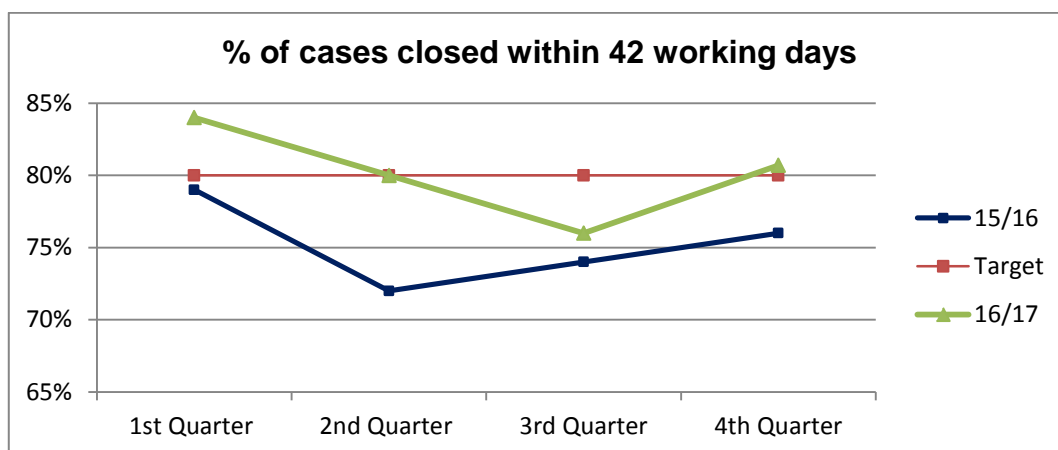


Figure 4: Quarterly performance figures against the KPI target

6.0 FORMAL ACTION

6.1 During the fourth quarter of 2016/17, one Enforcement Notice was served.

6.2 22 Salcombe Close, Chandlers Ford, Eastleigh, Hampshire, SO53 4PJ

Without planning permission the making of a material change in the use of the land from use for the purposes of a single dwelling house to a mixed use for the purposes of a single dwelling house and for the trading of motor vehicles, including the display for sale, storage, cleaning and repair pending sale of such vehicles.

The Council has yet to receive confirmation that an appeal has been lodged against the service of the enforcement notice.

7.0 LEGAL ACTION

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

8.0 ENFORCEMENT APPEALS

8.1 No enforcement appeal decisions have been issued by the Planning Inspectorate, during this quarter.

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 fourth quarter of 2016/17 the Council received contributions totalling £3,205,780.48.

10.0 TEAM MATTERS

10.1 Mr Darren Hobson (planning enforcement officer) joined the enforcement team in February 2017 and is working in the south of the Borough. Mr Hobson is an experienced officer and previously worked in a neighbouring Authority.

10.2 Mrs Donna Dodd left the enforcement team in January 2017 to join the Development Control North team as a Planning Assistant.

10.3 Mr Timothy Parker will be joining the enforcement team on Monday 24 April 2017. He will be working with Darren Hobson in the south of the Borough.

11.0 FINANCIAL YEAR 2016/17- 1 April 2016 – 31 March 2017

11.1 New Cases - 825

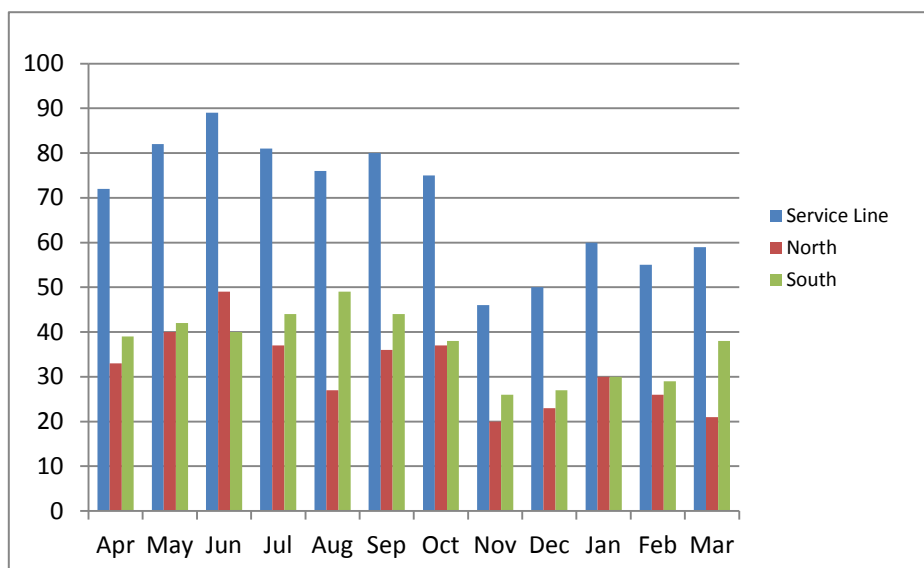


Figure 1: Number of enforcement cases received 1 April 2016 - 31 March 2017.

Closed Cases - 820

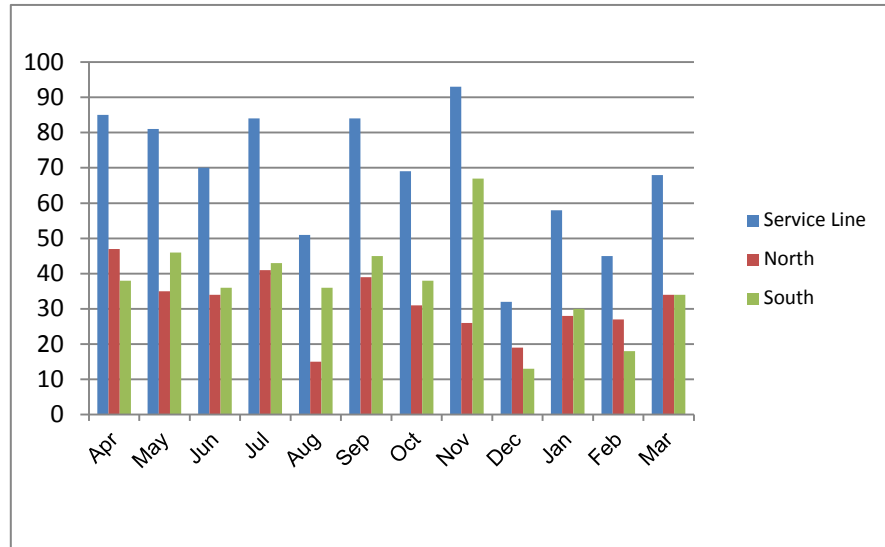


Figure 2: Number of enforcement cases concluded 1 April 2016 - 31 March 2017.