

**Surrey Heath Borough Council**  
**Planning Applications Committee**  
**27 July 2023**

---

**Planning Enforcement Monitoring Report**

**Strategic Director:** Nick Steevens, Strategic Director: Environment & Community  
**Report Author:** Julia Greenfield, Corporate Enforcement Manager  
**Wards Affected:** All

---

**Summary and purpose**

An information item providing an overview of function and performance of the Planning Enforcement Service for the period 1<sup>st</sup> January 2023 to 30<sup>th</sup> June 2023

**Recommendation**

The Committee is advised to RESOLVE that the report be noted.

**1. Background and Supporting Information**

**1. Key Issues**

1.1 This report provides an overview of the performance and resourcing of the Planning Enforcement Team for quarter four of the last financial year and quarter one of the current financial year i.e. from 1<sup>st</sup> January 2023 to 30<sup>th</sup> June 2023.

1.2 The following matters will be discussed within the report:

- Enforcement performance information
- Resource update
- Enforcement Notices / Injunction Issued
- Uniform / Enterprise

**Resource update**

1.3 Following a recruitment drive at the end of last year, we are very pleased to confirm that the planning enforcement team is now fully resourced with permanent Officers.

1.4 With this dedicated resource, compliance checking has now been recommenced and incorporated into the workload of the two appointed Senior Planning Enforcement Officers. The compliance checking will involve pro-active assessment of all building commencement notices and will eventually involve monitoring of all CIL commencement or liability notices for compliance with conditions.

1.5 The reassignment of compliance checking will be overseen by the Principal Planning Enforcement Officer and the Corporate Enforcement Team Leader who will in the short

term concentrate on progressing major enforcement cases involving complex or controversial issues, High Court Injunctions and appeals.

- 1.6 An Enforcement Team Action Plan has been formulated to address a number of procedural improvements to practices and systems used by the team. The main issues identified which have been prioritised to be undertaken in this financial year include a review and publication of the Statutory Register of Notices and a review of the processes, standardised documents and use of the Uniform database along with Enterprise Tasks.
- 1.7 Longer term issues have also been identified within the plan including a review of the Adopted Local Enforcement Plan and review of the related Key Performance Indicator (KPI) associated with the planning enforcement function. At present, the only reported KPI relates to the number of visits undertaken in accordance with the adopted targets for site visits. The team wish to explore whether additional meaningful information could be reported to better illustrate the functions undertaken by the team. These matters are likely to both be prioritised for completion during the next financial year (2024/5). Update reports will however be provided to members if this estimated timescale can be revised.

### Enforcement Performance

- 1.8 During quarter 4 (January to March), the Planning Enforcement Team, investigated allegations of planning breaches, as shown below:

| <b>Number of referrals received during period</b>                       | <b>61</b> |
|---|-----------|
| No breach established   | 25        |
| Breach resolved   | 9         |
| Not expedient to pursue   | 1         |
| Planning applications received dealing with matters under investigation | 0         |
| Pending consideration (open investigations)                             | 26        |
| Enforcement Notices issued  | 5         |
| Breach of Conditions Notices issued                                     | 0         |
| High Court injunction obtained  | 0         |

- 1.9 Graphs are provided at Annex 2 at the end of this report, the first showing number of investigations per Ward and the second showing the type of investigations per Ward.
- 1.10 Quarter 4 saw the team again exceed the 80% target (**92%**) set out in their Key Performance Indicator (KPI) of planning enforcement referrals where the initial action (e.g. a site visit) takes place within the target timescales as set out in the adopted Local Enforcement Plan.
- 1.11 During quarter 1 (April to June), the Planning Enforcement Team investigated :

| <b>Number of referrals received during period</b> | <b>47</b> |
|---|-----------|
| No breach established                             | 10        |
| Breach Resolved                                   | 1         |
| Not expedient to pursue                           | 1         |
| Planning application received dealing with matter | 3         |
| Pending consideration (open investigation)        | 32        |
| Enforcement Notices issued                        | 0         |
| Breach of Condition Notices issued                | 0         |

- 1.12 Quarter 1 saw the team exceed the 80% target (94%) set out in their Key Performance Indicator (KPI) of planning enforcement referrals where the initial action (e.g. a site visit) takes place within the target timescales as set out in the adopted Local Enforcement Plan.
- 1.13 Graphs are provided at Annex 2 at the end of this report considering the performance information and comparison between these quarters.

#### **Enforcement Notices Issued during reporting period**

- 1.14 Five Enforcement Notices were issued since the last report on performance was made these are as follows:
- 1.15 Enforcement Notice – 31 The Avenue, Chobham, Surrey. (22/0122/ENF) Alleging “Without planning permission, the operational development consisting of the erection of a wooden bridge between 31 The Avenue and adjacent fields construction over public right of way” on 13<sup>th</sup> February 2023. An appeal against this notice has been lodged.
- 1.16 Enforcement Notice – 55A Robins Bow, Camberley, Surrey. (23/0003/ENF) Alleging “Without planning permission, the construction of a dormer window, on the southern roof elevation” on 21<sup>st</sup> February 2023. An appeal against this notice has been lodged.
- 1.17 Enforcement Notice – Land at former Hillings Nursery, Bagshot Road, Chobham, Surrey. Notice A (19/0095/ENF). Alleging “Without planning permission, the material change of use of the Land shown shaded purple from horticulture to a car park ancillary to the use of the land to the south as Chobham Adventure Farm, and ancillary to the other storage and office uses on the site” on 21<sup>st</sup> February 2023. An Appeal was lodged against the notice however the notice was withdrawn.
- 1.18 Enforcement Notice – Land known as south side of Bagshot Road, Chobham, Surrey. Notice B (19/0095/ENF). Alleging “Without planning permission, the material change of use of the Land shown shaded blue from horticulture to a mixed use comprising horticulture and storage use, including the siting of containers, siting of a curved roof building and the storage of machinery and other items not required in connection with the lawful horticultural use of the site” on 21<sup>st</sup> February 2023. An Appeal was lodged against the notice however the notice was withdrawn
- 1.19 Enforcement Notice – Land at former Hillings Nursery, Bagshot Road, Chobham. Notice C (19/0095/ENF). Alleging “Without planning permission, the construction of two open-sided gazebo structures, a curved roof building on the western boundary, and a canopy all shown shaded orange on the attached plan; the construction of hardstanding west and south of the animal building as shown hatched black on the attached plan; the material change of use of the land shown shaded purple from horticulture to a car park for Chobham Adventure Farm” on 21<sup>st</sup> February 2023. An appeal was lodged against the notice however the notice was withdrawn.
- 1.20 **The following cases which were subject to appeal have been determined during the reporting period :**

Fenns Lane Nursey, West End. Reference number 3281220. Start date 1/11/21.  
Appeal Grounds C, D. The Inspector decided to allow the appeal in part but otherwise dismiss it. The enforcement notice was upheld subject to corrections and variations.

Hall Grove Farm Industrial site, Bagshot. Reference numbers 3292131 & 3292141 Start date 15/2/22. Appeal grounds. A, E, F, G. The Inspector quashed the enforcement notice.

Hillside House, 23 Highview Road, Lightwater. Reference number 3291502. Start date 10/2/22. Appeal grounds A, F. The Inspector dismissed the appeal and upheld the enforcement notice subject to corrections.

Land at Miles Green Farm, Bisley. Reference number 3294991. Start date 30/3/22. Appeal grounds. A, C, D, F. The Inspector quashed the enforcement notice.

Land at Easigrass, Hillings Nursery, Bagshot Road, Chobham. Reference number 3306190. Start date 08/09/22. Appeal grounds: A, B, D, F,G. – (N.B. This notice was withdrawn accordingly the appeal did not proceed to determination but is no longer outstanding).

31 The Avenue, Chobham, Surrey. Reference number 3318319. Start date 21/3/23. Appeal grounds: A, G. Procedure – written representations. The Inspector allowed the appeal.

#### **1.21 The following cases have been appealed and are with the Planning Inspectorate for determination**

Land on South East side of 79 Guildford Road, Bagshot. Reference number 3295907. Start date 12/4/22. Appeal grounds A, C, D, F, G.

1 Middle Close, Camberley. Reference number 3299756. Start date 13/6/22. Appeal grounds A F G.

Chobham Car Spares, Clearmount, Chobham Reference number 3301643. Start date 5/7/22. Appeal grounds. A, C, D, E, F. Reference number 3301644. Start date 5/7/22. Appeal grounds. C, D, F, G.

Land to the East of Highams Lane, Chobham. Reference number 3301015. Start date 20/6/22. Appeal grounds. A, C, D, F, G. Reference 3301016. Start date 20/6/22. Appeal grounds. C, D, F, G.

Four Oaks Nursey, Highams Lane, Chobham. Reference number 3301935. Start date 12/7/22. Appeal grounds. A, D.

55A Robins Bow, Camberley, Surrey. Reference number 3319565. Appeal grounds A, C, F. Procedure – hearing.

#### **Uniform / Enterprise**

1.22 Given there has been a successful recruitment of officers into the team, their main priorities will be to deal with the outstanding enforcement work but to also to address the necessary Uniform improvement works during this financial year.

1.23 As part of the planning enforcement team action plan, the necessary tasks have been reviewed, prioritised and given the following timescales :

- Process Mapping – within Q2 - to standardise the approach to use of the system across the team and to inform preparation of standard documents/templates and enterprise tasks.
- Enterprise Tasks – within Q3 – following process mapping of the procedures in place formulating appropriate tasks.
- Standard documents/Templates – in Q3 and Q4 – introduction and updating of all templates and documents applicable to the function.

1.24 The abovementioned tasks and priorities are obviously affected by the availability of I.T colleagues and other urgent priorities which occur, however, they will remain under review. Members will be updated on progress in future reports.

## **Summary**

1.25 The new structure will provide much needed resilience, continuity and expertise to support the existing team. This will improve the resilience of the service and improve public confidence in the planning system.

1.26 In the short term, officers are dealing with some difficult and contentious cases and resolving historic matters, however, the Council will not need to rely on contractors to deal with such matters in future given the expertise which is now available.

1.27 Whilst some disappointing appeal decisions have been received in recent months, these cases will be reviewed by the team. Where it is expedient and in the public interest to consider re-issuing notices, elected members will be updated in due course.

## **2. Reasons for Recommendation**

2.1 To keep councillors apprised of planning enforcement matters.

## **3. Proposal and Alternative Options**

3.1 No alternative options.

## **4. Contribution to the Council's Five Year Strategy**

4.1 Not applicable.

## **5. Resource Implications**

5.1 As detailed in the body of the report

## **6. Section 151 Officer Comments:**

6.1 Nothing further to add.

## **7. Legal and Governance Issues**

7.1 As set out in the body of the report.

**8. Monitoring Officer Comments:**

8.1 Nothing further to add

**Annexes**

Cases Received by Breach Type (1<sup>st</sup> January 2023 - 30<sup>th</sup> June 2023)

Cases Received by Ward (1<sup>st</sup> January 2023 - 30 June 2022)

**Background Papers**

None