

## Monitoring Report

Portfolio: Planning

Ward(s) Affected: All Wards

**Purpose: As an information item providing an overview of function and performance of the Planning Enforcement Service for the period 1<sup>st</sup> July 2023 to 30<sup>th</sup> September 2023**

## 1. Key Issues

1.1 This report provides an overview of the performance of the Planning Enforcement Team for quarter two of the current financial year i.e. from 1<sup>st</sup> July 2023 to 30<sup>th</sup> September 2023.

1.2 The following matters will be discussed within the report:

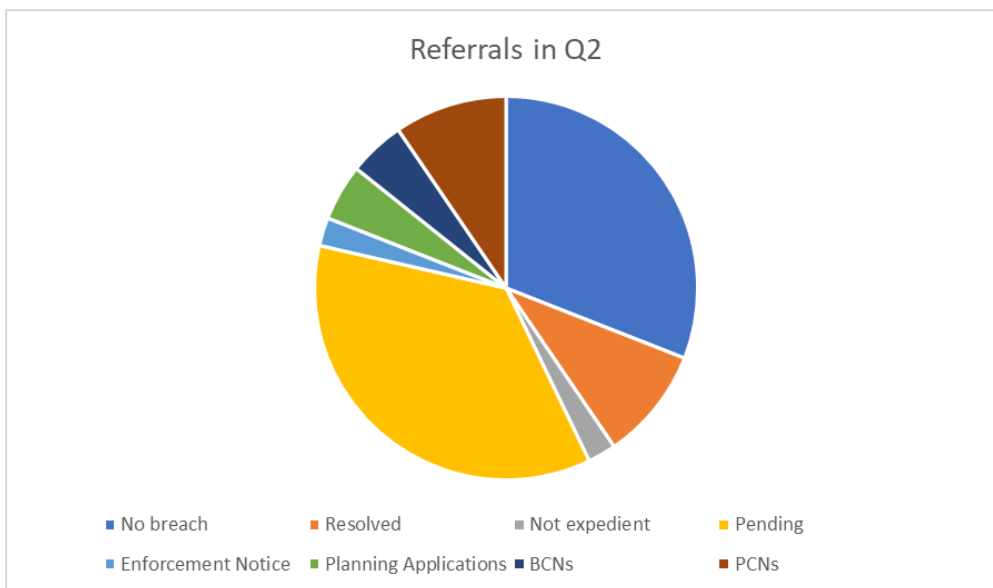
- Enforcement performance information
- Information on Notices Issued
- Information on outstanding appeals
- Action Plan/Progress

## 2. Enforcement Performance

2.1 During quarter 2 (July to September 2023), the Planning Enforcement Team, received 43 service requests. They investigated allegations of breaches of planning control and determined as follows:

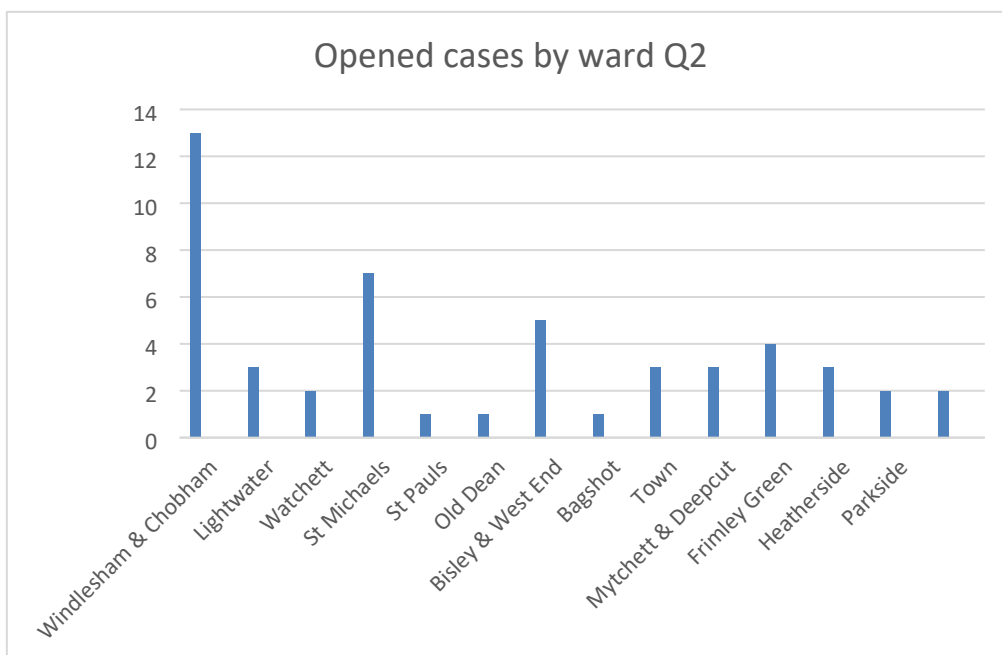
<b>Number of referrals received during period</b>	<b>43</b>
No breach established	13
Breach resolved	4
Not expedient to pursue	1
Planning applications received dealing with matters under investigation	2
Pending consideration (open investigations)	15
Enforcement Notices issued	1
Breach of Conditions Notices issued	2
Planning Contravention Notices Issued	4

2.2 This information is illustrated in the graph below. 15 cases received in this quarter remain under investigation and are included in the total number of unresolved or open cases reported below.



2.3 There were 137 open or unresolved planning enforcement cases at the end of the reporting period in Q1. Following a review of historic cases, this has reduced and there are currently 105 open planning enforcement cases.

2.4 Of the cases reported during Q2, the following table identifies the number of investigations opened per ward across the Borough:



- 2.3 Quarter 2 saw the team again exceed the 80% target (**achieved 90%**) 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. The KPI cumulative performance so far this financial year is **92%**.

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

- 3.1. Four Enforcement Notices and Four Breach of Condition Notices were issued during the quarter and since the last report on performance was made. These notices are as follows:
- 3.2. Enforcement Notice – Land at Browells Wood, Windlesham Road, Chobham. (20/0082/ENF) Alleging “Without planning permission, the material change of use of the land has taken place without the benefit of the necessary planning permission from a mixed agricultural and equine use to a mixed use including agricultural and equine uses, the use of the land for the siting of a caravan occupied as a residential dwelling, the use of the land for keeping domestic pets and the use of the land for keeping animals related to a pet therapy business.” An appeal against this notice has been lodged but has not yet started.
- 3.3. Enforcement Notice – Land South of Heath Cottage, Priest Lane, West End. (22/0110/ENF) Alleging “Without planning permission, the material change of use of land from agricultural use to a mixed agriculture and equine use and unauthorised operational development relating to the erection of an unauthorised fence, posts and gate adjacent to Priest Lane which exceeds 1 metre in height adjacent to a highway used by vehicular traffic”. An appeal against this notice has been lodged but has not yet started.
- 3.4. Breach of Condition Notice – 12 London Road, Bagshot. (22/0248/ENF) Alleging “Failure to comply with conditions 8 and 9 of planning permission 17/0745/FFU” requiring amendment to road markings, modification of the access, provision of visibility zones, closure of the north access and reinstatement of kerbs, verge or footway. This notice has not been fully complied with so may be subject to further action.
- 3.4 Breach of Condition Notice – Land at Windlesham Garden Centre, London Road, Woking (also known as Lavershot Barns). (19/1053/ENF) Alleging “Failure to comply with Condition 2 of planning permission 21/0901/FFU” requiring installation of temporary barriers in accordance with the agreed details. This notice was originally issued by Royal Mail registered post. The Royal Mail did not deliver the notice, as a result, the notice was reserved via personal service accordingly the period for compliance runs to 19<sup>th</sup> October 2023. A verbal update on compliance will be provided to the meeting.

- 3.5 Breach of Condition Notice – 62 Lake Avenue, Mytchett, Camberley. (23/0040/ENF) Alleging breach of condition 8 of planning permission 19/0031/FFU requiring removal of the garage door installed on the car port. This notice has been complied with.
- 3.6 Breach of Condition Notice – 35 Lake Avenue, Mytchett, Camberley. (23/0131/ENF) Alleging breach of condition 8 of planning permission 19/0031/FFU requiring removal of the garage door installed on the car port. Planning application submitted (currently invalid) for retrospective approval (23/1018/FFU refers) further consideration of this case to be held in abeyance pending determination of the abovementioned application.
- 3.7 Enforcement Notice – Land at 154 Guildford Road, West End. (23/0011/ENF) Alleging “Without planning permission the material change of use of land occupied by a dwelling with its related curtilage and garden land to a mixed use of land including a dwelling with its related curtilage and garden land and use for the creation of two caravan pitches with ancillary parking, a shared utility building and circulation land for occupation as independent dwellings”. An appeal against this notice has been lodged but has not started.
- 3.8 Enforcement Notice – Land at Hall Grove Farm Industrial Estate, London Road, Bagshot. (23/0146/ENF) Alleging “Without planning permission, the unauthorised material change of use of former golf course land to land used for a mixed commercial use associated with storage of commercial plant, machinery and ancillary items including other plant and equipment and use of the land for the parking of vehicles and trailers in the area hatched red on the attached plan. Unauthorised operational developments including engineering operations to change land levels and installation of a hard surface in the approximate position of the land shown hatched black on the plan attached, erection of boundary enclosures which in areas exceed 2 metres in height by both fencing and creation of earth bunds in the approximate positions indicated on the attached plan between areas a to c, and unauthorised building operations relating to erection of a two storey structure and covered work area/site office comprised of metal scaffolding materials and metal containers in the approximate position hatched blue on the attached plan.” This notice is a reissued notice following an appeal decision by the Planning Inspectorate to quash two earlier notices served following a case review.

**4.1 The following cases which were subject to appeal have been determined during the reporting period :**

There have no decisions received relating to appeals against Enforcement Notices during the reporting period.

**5.1 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.

Land at Browells Wood, Windlesham Road, Chobham. Reference number 3328661. Appeal grounds F. Appeal confirmed valid but not yet started. Procedure – written representations.

Land South of Heath Cottage, Priests Lane, West End. Reference number 3328517. Appeal grounds C and E. Appeal submitted but not yet started. Procedure – written representations.

Of Note :

Land lying east of (adj to Lake House (known as Oakley Stables), Highams Lane, Chobham. Reference numbers 3301015 and 3301016. An Enforcement Notice was issued on 31 May 2022 alleging “Without planning permission, the material change of use of the land to a mixed use of equestrian and residential, the construction of a menage, the construction of stables with associated concreted hardstanding, the importation of materials and subsequent regrading of land for the construction of a large hardstanding to facilitate the unauthorised stationing of caravans for residential purposes, construction of fencing, the stationing of 3 caravans for residential purposes, the stationing of a caravan for storage purposes associated with the residential use of the land, the stationing of portable loos and a washroom facility, the construction of a raised swimming pool.” Appeal grounds A, C, D, F and G. Appeal procedure – Public Inquiry. Correspondence has been received from PINS offering an inquiry date of 5<sup>th</sup> December 2023. Members will be updated further.

**5. Uniform / Enterprise**

- 6.1 The planning enforcement team action plan tasks are being progressed.
- 6.2 The first task prioritised and identified for completion; the review and update of the Statutory Register of Enforcement and other notices has been completed during this quarter.
- 6.3 The statutory register contains details of all notices (where records exist) issued since formation of the Borough Council in 1974.
- 6.4 The planning legislation requires the register to be available for inspection, however, a version of the register (up to 2019) was previously published on the Council's website. For overall transparency reasons, the register has been updated to ensure it in an accessible format and it has been updated to ensure all notices issued since 2018 to the present day now also appear on the register.
- 6.5 The register now complies with statutory requirements and is published and accessible via the Councils' website.
- 6.6 Officers will ensure the register will be regularly updated to reflect any further notices which are issued and updated with compliance/appeal decisions relating to the notices as necessary.
- 6.7 Further tasks relating to the use of the Uniform database are underway.
- 6.8 During the last quarter the team has been involved in process mapping of tasks associated with planning enforcement administration to standardise the approach to use of the system. A team workshop took place where process related matters were explored and agreed. I.T colleagues will assist the team to refine the processes and procedures. As the matter progresses, members will be updated.
- 6.9 The next task to be undertaken relates to the review and creation of standardised documents/templates. The team has reviewed all of the existing documents and will shortly begin updating all of the documents applicable to the function in tandem with review of the other documents used across the corporate enforcement team.
- 6.10 The formation of enterprise tasks will follow the completion of the process mapping exercise and review of documents and templates. This work is due to take place in Q3/4.
- 6.11 An audit of the use of the planning enforcement module has been organised to take place in January with assistance from an external consultant from Idox which has been organised by the I.T team. Any further improvements to the module and functionality of the system will then be explored.
- 6.12 Alongside the abovementioned works, officers have been liaising with I.T and development management colleagues to assist in configuration of the appeals

module. This module will be used by both teams to administer appeals which should in due course increase transparency and information available to customers via the planning portal on the website. Work in relation to the appeals module is currently taking place with input from officers across the development management, i.t. and planning enforcement teams. It is anticipated that following configuration and formulation of templates and documents, the module is likely to become accessible in the coming quarters.

6.13 Members will be updated on progress in the next performance report.

## **7. Summary**

7.1 Q2 has been a busy quarter.

7.2 Officers have dealt with some difficult and contentious cases and are continuing to resolve historic matters. A number of historic cases have been reviewed by the team alongside more recently occurring matters.

7.3 Officers anticipate that the remainder of this financial year is likely to remain very busy given ongoing appeals and court actions. The team will however endeavour to continue to progress system and procedure improvements and make full use of technology.

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