

Surrey Heath Borough Council
Planning Applications Committee
4 August 2022

Planning Enforcement Performance Monitoring

Strategic Director: Nick Steevens, Strategic Director: Environment & Planning
Report Author: Julia Greenfield, Corporate Enforcement Manager
Key Decision: Not Applicable
Wards Affected: Not Applicable

Summary and purpose

The report provides an overview of the function and performance of the Corporate Enforcement Service for the period 25 March 2022 to 30 June 2022.

Recommendation

The Committee/Council is advised to RESOLVE that the contents of the report be noted.

1. Background and Supporting Information

1.1 This report provides details on the performance of the Planning Enforcement Team for the first quarter (25 March 2022 to 30 June 2022). The previous monitoring update to the Planning Applications Committee was in March 2022 reporting on performance from 1st January 2022 – 24th March 2022.

1.2 The following matters will be discussed within the report:

- Enforcement Performance
- Enforcement Notices Issued
- Resource update
- Uniform / Enterprise

Enforcement Performance

1.3 During the period in question, the Planning Enforcement Team, which is part of the wider Corporate Enforcement Team, investigated allegations of planning breaches, as shown below:

Number of referrals received during period	51
No breach established	13
Breach resolved	2
Not expedient to pursue	0
Planning applications received dealing with matters under investigation	2
Pending consideration (open investigations)	34

Requisition of Information Notices (PCN/S16/S330) issued	0
Enforcement Notices issued	4

- 1.4 Graphs are provided as Exhibit 1 at the end of this report, the first showing number of investigations per Ward and the second showing type of investigations per Ward

Enforcement Notices Issued

Enforcement Notices have been issued on the following premises:

- 1.5 **1 Middle Close, Camberley, Surrey, GU15 1NZ – ref: 21/0095/ENF**

Enforcement Notice issued on 22 April 2022.

Breach of Planning Control alleged: On 07 November 2019 planning permission was granted for 19/0701/FFU. Condition 1 requires that the works had to be undertaken in accordance with the approved plans. It appears to the Council that the condition has not been complied with, because the works are materially different to the approved plans, noting in particular the enlargement of the front gables and installation of four heating and cooling units

Reasons for issuing the Enforcement Notice: Due to the increased height, mass and bulk of the front gables, it is considered that the existing structures are not subservient or subordinate to the host dwelling, resulting in the gables being prominent in the streetscene, and when combined with the existing extensions, result in a dwelling which is incongruous, harming the visual amenity to the local area. Together with the installation of four heating and cooling units would further harm the visual amenity of the surrounding area, in particular 3 Middle Close, due to the number of units causing the existing elevation to be cluttered and visually intrusive when viewed from neighbouring properties. As such, the development does not comply with the National Planning Policy Framework, Policy DM9 of the Core Strategy and Development Management Policies document 2012 and Guiding Principles 10.1, 10.3 and 10.5 of the Residential Design Guide Supplementary Planning Document 2017.

The effective date for the Enforcement Notice is on 27 May 2022 subject to an appeal being made. A 4-month compliance period has been given from the date of effectiveness. **This Enforcement Notice has been appealed.**

- 1.6 **Chobham Car Spares, Clearmount, Chobham, Woking, Surrey, GU24 8TP – ref: 21/0207/ENF**

Enforcement Notice issued on 16 May 2022.

Breach of Planning Control alleged: Without planning permission, the material change of use of land from the activities described under Lawful Development Certificate for Existing Use (reference 94/0432) to the storage and distribution of scaffolding materials, including the unauthorised erection of metal sheet storage buildings in connection with this use (Site Area 'B'). The material change of use of the land to a commercial used car storage and sales business for visiting members of the public (Site Area A) and the material change of use of the land (Site area C) to open air storage of heavy industrial plant and machinery.

Reasons for issuing the Enforcement Notice:

- I. The site area shown as 'Area C' lies within wooded rural surroundings within the designated Surrey Heath Green Belt. The unauthorised development carried out comprises an undesirable extension of commercial use, including the parking of heavy plant machinery and other storage and distribution activities, due to their cumulative proliferation and dispersed spread across the land. The development fails to preserve the openness of the Green Belt and conflicts with the purposes of the Green Belt by virtue of countryside encroachment. The development is therefore inappropriate and harmful development in the Green Belt and is contrary to Policies CP1 of the Surrey Heath's Core Strategy and development management Policies document DM1 and DM9 as well as Chapter 13, paragraphs 137-151 of the National Planning Policy Framework (2021 Revision) and the associated Planning Practice Guidance National Planning Policy Framework'. The Planning Authority does not consider that there are very special circumstances to outweigh the harm caused to the Green Belt.
- II. The site area shown as 'Area B' is located within the designated Surrey Heath Green Belt, the unauthorised use being carried out being the commercial storage and distribution of scaffolding materials, along with the operational development including the erection of structures associated with the storage and distribution of scaffolding is inappropriate development within the Green Belt that detracts from the openness of the Green Belt and is contrary to Policies CP1 of the Surrey Heath's Core Strategy and development management Policies document DM1 and DM9 as well as Chapter 13, paragraphs 137-151 of the National Planning Policy Framework (2021 Revision) and the associated Planning Practice Guidance National Planning Policy Framework'. The Planning Authority does not consider that there are any very special circumstances to outweigh the harm caused to the Green Belt.
- III. The site area shown as 'Area A' being an unauthorised, material change of use to, used-car vehicle sales and storage is an unacceptable intensification of commercial use within the Green Belt. The unauthorised use has resulted in an intensification of use of the existing un-made access onto Staple Hill Road by large commercial vehicles and those arriving by private car(s) to view and purchase the vehicles advertised. The increase in trip generation to an unsustainable location, including outside of normal working hours has resulted in a detrimental impact on the amenity of neighbouring residential occupiers contrary to DM9 (Design Principles), DM11 (Movement) and CP11 (Traffic Management and Highway Safety) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
- IV. It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The effective date for the Enforcement Notice is on 23 June 2022 subject to an appeal being made. A 4-month compliance period has been given from the date of effectiveness. **This Enforcement Notice has been appealed.**

1.7 **Land To The East Of Four Oaks Nursery, Highams Lane, Chobham, Woking, Surrey, GU24 8TD – ref: 21/0046/ENF**

Enforcement Notice issued on 31 May 2022.

Breach of Planning Control alleged: Without planning permission, the material change of use of the land to a mixed-use of equestrian and residential; the construction of a ménage; 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.

Reasons for issuing the Enforcement Notice:

- I. It appears to the Council that the above mentioned material change of use has occurred within the last 10 years, and that the physical development in the form of the stables, ménage, construction of hardstanding and swimming pool, within the last 4 years.
- II. The Development in the form of the material change of use of the land, including the stationing on the land of mobile homes (with awnings) and associated residential paraphernalia, portable loos and washing facilities, the construction of the ménage, the construction of the large hardstanding (by means of importation of materials and subsequent regrading of land) facilitating the unauthorised residential use of the land and the construction of a raised swimming pool, fails to preserve Green Belt openness and conflicts with the purposes of including land within the Green Belt. The Development also causes significant detrimental harm to the Thames Basin Heath Special Protection Area as the residential development is located within the 400m buffer zone.

Therefore, the Development causes harm by reason of inappropriateness, harm to openness, and harm to the visual amenities of the Green Belt. There are no very special circumstances which have been presented to the Local Authority which would be sufficient to outweigh this harm and is therefore contrary to Policies CP1, DM6, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012; the Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework and National Planning Practice Guidance.

- III. The mobile homes are located within the designated 400m buffer zone of the Thames Basin Heath Special Protection Area whereby no residential development shall be permitted and where there are no compensatory measures. There are no identified imperative reasons of overriding public interest to override this negative assessment. As such, the development is contrary to Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) and Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019 and the National Planning Policy Framework.

The effective date for the Enforcement Notice is on 7 July 2022 subject to an appeal being made. A 12-month compliance period has been given from the date of effectiveness. **This Enforcement Notice has been appealed.**

1.8 **Land Lying To The East Of Highams Lane, (Four Oaks Nursery) Highams Lane, Chobham, Woking, Surrey – ref: 21/0235/ENF**

Enforcement Notice issued on 24 May 2022.

Breach of Planning Control alleged: Without planning permission; the material change of use of the land from an agriculture (Horticultural nursery) use, to a mixed use of; Storage and Distribution of building materials (B8) and the use of the land as a Bus/Coach parking depot (Sui-Generis). In addition the carrying out of unauthorised operational development including the installation of a hard surface for the creation of an ancillary car parking compound in connection with the unauthorised use(s). As well as the unauthorised placement of containers on the land for commercial storage and the unauthorised erection of wooden structures on the land without planning permission within the last 10 years.

Reasons for issuing the Enforcement Notice:

The unauthorised change of the land to a coach park/bus depot, and to commercial storage and distribution of materials including reclaimed building supplies and other materials, (together with the ancillary unauthorised operational development, including the installation of a hard surface for associated car parking, additional containers for storage and wooden buildings), spatially and visually fails to preserve the openness of the Green Belt. The development also conflicts with the purposes of including land within the Green Belt, by countryside encroachment, and is harmful to the character and appearance of the surrounding area. As such the breach is inappropriate development in the Green Belt and there are no very special circumstances to outweigh the identified harm. The development is therefore contrary to Policies CP1, CP2, DM1 and DM9 of the Surrey Heath's Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and the associated Planning Practice Guidance. The Planning Authority does not consider that there are very special circumstances to outweigh the harm caused.

II. It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The effective date for the Enforcement Notice is on 28 June 2022 subject to an appeal being made. A 4-month compliance period has been given from the date of effectiveness. **This Enforcement Notice has been appealed.**

Enforcement Appeals

Under Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the Enforcement Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred;
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the Enforcement Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the Enforcement Notice were not served as required by Section 172;

- (f) That the steps required by the Enforcement Notice to be taken, or the activities required by the Enforcement Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the Enforcement Notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

The following Enforcement Notices have been appealed and are with the Planning Inspectorate for determination

- 1.9 Fenns Lane Nursey, West End. Reference number 3281220. Start date 1/11/21. Appeal grounds C, D.
- 1.10 Hall Grove Farm Industrial site, Bagshot. Reference numbers 3292131 & 3292141 Start date 15/2/22. Appeal grounds. A, E, F, G
- 1.11 Hillside House, 23 Highview Road, Lightwater. Reference number 3291502. Start date 10/2/22. Appeal grounds A, F
- 1.12 Land at Miles Green Farm, Bisley. Reference number 3294991. Start date 30/3/22. Appeal grounds. A, C, D, F
- 1.13 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
- 1.14 1 Middle Close, Camberley. Reference number 3299756. Start date 13/6/22 Appeal grounds A,F,G
- 1.15 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
- 1.16 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
- 1.17 Four Oaks Nursey, Highams Lane, Chobham. Reference number 3301935. Start date 12/7/22. Appeal grounds. A, D

With the exception of Land East of Highams Lane which have opted for a Public Enquiry, the cases are being dealt with by way of Written Representations. enquiry

Resource Update

- 1.18 From the beginning of the new financial year, the service has struggled with staffing resource, which has had an impact on service delivery and specifically on taking formal action against planning breaches where appropriate. Over recent months the service has been subject to three contractors resigning from their role and the Senior Planning Enforcement Officer having been seconded to Development Management. To ensure some continuity of service the Compliance Officer and wider Corporate Enforcement Team have directly supported the Planning Enforcement function during this period. The knock-on effect has been a reduction in the planned monitoring of

planning conditions, which has not been as effective as intended during this period. The balancing of workloads in this manner was a necessity to ensure appropriate prioritisation of cases.

- 1.19 At the time of writing two Enforcement Contractors have been offered and accepted 6-month contracts, which will provide resilience to the service, until a permanent structure can be put in place.

Uniform / Enterprise

- 1.20 The Uniform / Enterprise project remains priority. Due to resource issues, the Corporate Enforcement team have not been able to continue progressing this matter. Discussions remain ongoing with ICT as to the most effective way to resource and complete this project. A further update will be provided at the next Corporate Enforcement update.

Summary

- 1.21 Despite the challenges the team have faced this quarter, the team have exceeded the 80% target (88%) 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 Local Enforcement Plan. The target is dependent on the prioritisation given to the complaint the target timescales are:

High Priority – 2 working days
Medium Priority – 10 working days
Low priority – 21 working days

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 (25 March 2022 – 30 June 2022)

Cases Received by Ward (25 March 2022 - 30 June 2022)

Background Papers

None