

Surrey Heath Borough Council
Planning Applications Committee
6 October 2022

Planning Enforcement Update

Strategic Director: Nick Steevens, Strategic Director Environment and Community
Report Author: Julia Greenfield, Corporate Enforcement Manager
Key Decision: No
Wards Affected: All

Summary and purpose

An information item providing an overview of function and performance of the Corporate Enforcement Service for the period 1st July 2022 to 23rd September 2022

Recommendation

The Planning Applications Committee is advised to RESOLVE that 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 second quarter (1st July to 23rd September 2022). The previous monitoring update to the Planning Applications Committee was in August 2022 reporting on performance from 25th March to 30th June 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	41
No breach established	12
Breach resolved	2
Not expedient to pursue	0
Planning applications received dealing with matters under investigation	0
Pending consideration (open investigations)	27

Requisition of Information Notices (PCN/S16/S330) issued	0
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- 1.3 Graphs are provided as Annex 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

- 1.4 Enforcement Notices have been issued on the following premises:

Land at Easigrass, Hillings Nursery, Bagshot Road, Chobham GU24 8DB – Ref: 20/0019/ENF

Enforcement Notice issued on 29th July, 2022.

Breach of Planning Control alleged: Without planning permission, the material change of use of the Land (including existing outbuilding) to a mixed use comprising storage and retail; the construction of a hardstanding and flat roof structure and placement of shipping containers, all used in conjunction with the unauthorised material change of use

Reasons for issuing the Enforcement Notice:

1) It is considered that the material change of use to a mixed use comprising storage and retail has occurred within the last 10 years.

2) It is considered that the provision of the hardstanding, flat roofed structure and the siting of the containers occurred within the last 10 years and although some of the operational development has been in situ for more than 4 years, the hardstanding, flat roofed structure and containers facilitate the storage use at the site and are integral to and part and parcel of the unauthorised material change of use, and as such are not immune from enforcement action.

3) The unauthorised use of the building and land for retail and storage purposes, including the siting and use of containers and flat roofed structure for storage and associated hardstanding, is inappropriate development, fails to preserve Green Belt openness and conflicts with the purposes of including land within the Green Belt. It causes harm therefore by reason of inappropriateness, harm to openness, and harm to the visual amenities of the Green Belt. The retail and storage uses in this location also fail to comply with the spatial strategy which seeks to direct such uses to more sustainable and suitable locations which in turn contributes to the vitality and viability of employment and retail areas. No very special circumstances exist to outweigh the identified harm. The use is therefore detrimental and contrary to Policies CP1, CP2, CP8, DM1 and DM13 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and National Planning Practice Guidance.

4) The containers, flat roofed structure and hardstanding and associated outdoor storage of Easigrass products are therefore considered harmful to the rural, countryside character of the site and has a significant urbanising effect. The development fails to respect and enhance its surroundings and harms the intrinsic character and beauty of the countryside, therefore contrary to Policies CP2 and DM9 of these Surrey Heath Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and National Planning Practice Guidance.

5) In the absence of any further information in this regard, it is not considered likely that the current use of the site results in any highway safety issues or contravenes Policy DM11 or paragraph 109 of the NPPF. However, the location of the site is not considered to be a sustainable location for retail and storage uses, and generates additional traffic to an unsustainable location, and in the absence of information suggesting that there are no suitable alternative locations, the development is contrary to Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, the National Planning Policy Framework and National Planning Practice Guidance.

The effective date for the Enforcement Notice is on 2nd September 2022 subject to an appeal being made.

Enforcement Appeals

1.6 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.

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

Fenns Lane Nursey, West End. Reference number 3281220. Start date 1/11/21. Appeal grounds C, D.

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

Hillside House, 23 Highview Road, Lightwater. Reference number 3291502. Start date 10/2/22. Appeal grounds A, F.

Land at Miles Green Farm, Bisley. Reference number 3294991. Start date 30/3/22. Appeal grounds. A, C, D, F.

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.

Land at Easigrass, Hillings Nursery, Bagshot Road, Chobham. Reference number 3306190. Start date 08/09/22. Appeal grounds: A, B, D, F,G

Note: Easigrass have opted for a Public Inquiry to which the Council is challenging.

Resource Update

- 1.7 Since reporting to this Committee in August 2022, there has been a marked improvement in staffing resource, albeit in the form of temporary contractors. The monitoring of planning conditions, has recommenced, currently at a reduced level.
- 1.8 A permanent structure for the team has been agreed and it is envisaged the roles will be advertised at the end of October.

Uniform / Enterprise

- 1.9 The Uniform / Enterprise project remains priority. Due to resource issues, we have not been able to continue progressing this matter. Conversations remain ongoing with ICT as to the most effective way to resource and complete this project.

Summary

- 1.10 The team have enjoyed a successful quarter and have again exceeded the 80% target **(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 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 provide an update to Councillors on key 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 set out in the main body of the report.

6. Section 151 Officer Comments:

6.1 As set out in the main body of the report.

7. Legal and Governance Issues

7.1 As set out in the main body of the report.

8. Monitoring Officer Comments:

8.1 Nothing further to add.

Annexes

Annex 1 – Summary of Planning Enforcement Cases by type and ward

Annex 2 – Summary of Planning Enforcement Priority Cases

Background Papers

None