

Surrey Heath Borough Council
Planning Applications Committee
19 January 2022

**Corporate Enforcement Monitoring Report – Quarter 2
Update**

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

Summary and purpose

As an information item providing an overview of function and performance of the Corporate Enforcement Service for the period 24th September 2022 to 31st December 2022

Recommendation

The Committee/Council is advised to note the contents of this report.

1. Background and Supporting Information

1.1 This report provides an update on future resourcing of the team and details on the performance of the Planning Enforcement Team for quarter three of the financial year, between the 24th September 2022 to 31st December 2022. The previous monitoring update to the Planning Applications Committee was in October 2022 reporting on performance for quarter two, 1st July 2022 to 23rd September 2022.

1.2 The following matters will be discussed within the report:

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

Resource update

1.3 I am pleased to confirm that we have recruited to the following permanent positions, a Corporate Enforcement Team Leader, Bex Green as Principal Planning Enforcement Officer with Lee Payne and Craig Harman joining the team as Senior Planning Enforcement Officers. Lee and Craig will be starting their employment on 16th January 2023 with the Team Leader starting in February 2023.

1.4 With Bex Green being promoted to the post of Principal Planning Enforcement Officer, compliance checking will now be shared between the two newly-appointed Senior Planning Enforcement Officers with oversight from Bex and

Maxine once she is in post. This arrangement will allow greater resilience in relation to compliance checking, ensuring it receives the focus that members have previously requested. The Corporate Enforcement Team will provide updates as part of the quarterly enforcement updates at Planning Applications Committee to demonstrate the effectiveness of this arrangement.

- 1.5 The new structure for the team can be found at Annex A of this report.

Enforcement Performance

- 1.6 During quarter 3, the Planning Enforcement Team, investigated allegations of planning breaches, as shown below:

Number of referrals received during period	52
No breach established	14
Breach resolved	5
Not expedient to pursue	0
Planning applications received dealing with matters under investigation	2
Pending consideration (open investigations)	31
Enforcement Notices issued	1
Breach of Conditions Notices issued	1
High Court injunction obtained	1

- 1.7 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.
- 1.8 Quarter 3 has seen the team again exceed the 80% target (**95%**) 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.

Enforcement Notices Issued

- 1.9 An Enforcement Notice has been issued on the following premises:

Hollymead, Bagshot Road, West End GU24 8DB – Ref: 20/0019/ENF

The Enforcement Notice was issued on 20th December 2022 for the following reasons:

Without planning permission, the erection of a fence and two brick piers of over 1m in height at the front of the site facing Bagshot Road.

The reasons for issuing the Notice are

- 1) It is considered that the erection of the fence and two brick piers at the front of the site facing Bagshot Road has occurred within the last 4years.
- 2) The fence and brick piers are not permitted development under the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

- 3) The fence and brick piers at the front of the site are inappropriate development in the Green Belt, causing harm by reason of inappropriateness, harm to openness and harm to the visual amenity of the Green Belt. In addition, they cause harm to the character of the rural location through their urbanising effect. The development is therefore considered contrary to Policies DM1, DM2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 9.1 of the Surrey Heath Residential Design Guide 2017 and Guideline 9 of the West End Village Design Statement, and the National Planning Policy Framework.

The Notice takes effect on 31st January 2023 with a compliance period of 3 months.

Breach of Condition Notice (BCN)

- 1.10 A Breach of Condition Notice has been issued on the following premises:

2A Claremount Avenue, Camberley, Surrey

The relevant planning permission to which this notice relates is the permission granted by the Council on 19th January 2022 for Erection of 2.2m high wooden fence on the side boundary (retrospective), Ref: 21/0531/FFU.

The following condition has not been complied with:

Within 3 months of the date of this decision notice the boundary treatment will be reduced in height such that it is in accordance with approved plan Drawing no PL-01 rev C 'Site location plan, existing block plan & proposed block plan', received 10 January 2022, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance

Period for compliance, 2 months.

- 1.11 **High Court Injunction**

A High Court injunction was obtained and served at;

Oaks Farm, Philpot Lane, Chobham, Surrey

Pending the determination of the First Defendant's planning application and any in time appeal of that decision to the Secretary of State to change the use of the Land known as Oaks Farm, Philpot Lane, Chobham HM Registry Title Number SY41758 as shown edged in red on the attached plan at Annex 1 ("The Land") to a gypsy caravan site to lawfully permit the First Defendant and his family to live on the Land, the Defendants, whether by themselves or by instructing, encouraging or permitting any other person MUST NOT:

(a) bring onto the Land any hardcore or any further materials for the preparation of hard surfaces;

(b) bring onto the Land any further caravans, mobile homes, motor homes, portacabins or similar accommodation;

(c) permit any other persons save Charles Smailes Senior (30.04.1994), Lennie Smailes (03.10.1993), Charles Smailes Junior (27.02.2013), Joseph Smailes (10.01.2016) and Indianna Smailes (27.05.2017) to use or occupy the Land(including occupation in any caravans, mobile homes, motor homes, portacabins or similar accommodation) for the purposes of human habitation or residential occupation;

(d) permit or use any part of the Land for any further residential occupation whether in a caravan, mobile home, or any other kind of residential accommodation;

(e) bring onto the Land any further portable structures including portable toilets or any other items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;

(f) construct any further buildings or other forms of residential accommodation on the Land;

(g) install or connect on the Land any further services including running water, electricity or sewage connections for the purposes of facilitating the use of the Land for human habitation or residential occupation or otherwise carry out works to the Land associated with or in preparation for its use for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or otherwise in breach of planning control;

(h) undertake any further development of Land as defined by section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission from the Claimant or, on appeal, from the Secretary of State;

(i) remove any trees or further develop the Land.

Enforcement Appeals

1.12 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.

1.13 The following Enforcement Notices have all 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

Uniform / Enterprise

1.14 Due to the ongoing issues regarding recruitment in the Corporate Enforcement team, the Enterprise work has been paused. However, given that there has been a successful recruitment of officers into the team, the main priorities will be to deal with the outstanding enforcement work but to also complete the Uniform improvement works during 2023.

Summary

1.15 The new structure will provide much needed resilience and continuity to the existing team. This also means that the Council will not have to rely on contractors to deal with the work going forwards. An adequately resourced planning enforcement function will maintain public confidence in the planning process and provide assurance to Elected

Members that enforcement action will be taken when appropriate and more effectively going forwards.

2. Reasons for Recommendation

2.1 To provide an update on planning enforcement matters.

3. Proposal and Alternative Options

3.1 No alternative options.

4. Contribution to the Council's Five Year Strategy

4.1 Targets for planning enforcement are incorporated into the Council's Five Year Strategy.

5. Resource Implications

5.1 As set out in the report.

6. Section 151 Officer Comments:

6.1 As set out in the report.

7. Legal and Governance Issues

7.1 As set out in the report.

8. Monitoring Officer Comments:

8.1 Nothing further to add.

Annexes

Annex A: Enforcement Team Structure

Annex B: Summary of Planning Enforcement Cases

Annex C: Highest Priority Cases

Background Papers

None