

**Committee:** Planning Applications Committee

**Date:** 30<sup>th</sup> April 2014

**Agenda item:**

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF PUBLIC PROTECTION AND DEVELOPMENT

**Lead member:** COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

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**Recommendation:**

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That Members note the contents of the report.

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**1. Purpose of report and executive summary**

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

<b>Current Enforcement Cases:</b>	<b>793</b> <sup>1</sup> (800)	<b>New Appeals:</b>	<b>0</b> (0)
<b>New Complaints</b>	<b>51</b> (33)	<b>Instructions to Legal</b>	<b>1</b>
<b>Cases Closed</b>	<b>64</b> (45)	<b>Existing Appeals</b>	<b>4</b> (4)
No Breach:	-		
Breach Ceased:	-		
NFA <sup>2</sup> (see below):	-		
<b>Total</b>	<b>64</b> (45)		
<b>New Enforcement Notices Issued</b>		<b>TREE ISSUES</b>	
Breach of Condition Notice:	0	<b>Tree Applications Received</b>	<b>33</b> (89)
New Enforcement Notice issued	2	<b>% Determined within time limits:</b>	<b>85%</b>
S.215: <sup>3</sup>	0	High Hedges Complaint	<b>0</b> (2)
Others (PCN, TSN)	0	<b>New Tree Preservation Orders (TPO)</b>	<b>4</b> (1)
<b>Total</b>	<b>2</b> (1)	<b>Tree Replacement Notice</b>	<b>1</b>
<b>Prosecutions:</b> (instructed)	<b>0</b> (0)	<b>Tree/High Hedge Appeal</b>	<b>1</b>

Note (*figures are for the period ( 19<sup>th</sup> March – 21<sup>st</sup> April 2014)* and the figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous months figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 **New Enforcement Actions**

**2.01 Land at 52 Cannon Hill Lane, Raynes Park,** an enforcement notice was issued on 16<sup>th</sup> April 2014 against the construction of a brick and block-work wall to the front of the property. The notice comes into effect on 16<sup>th</sup> June 2014 unless there is an appeal before that date. The requirement is to demolish the structure and clear the resulting debris.

**2.02 Land at Flat 2, 43 Richmond Avenue Wimbledon SW** an enforcement notice was issued on 7<sup>th</sup> April 2014 against the erection of a satellite dish on the front façade of the building with a requirement for its removal. The notice comes into effect on 12<sup>th</sup> May unless there is an appeal before that and the compliance period is three months.

### **Some Recent Enforcement Actions**

**2.03 86 Morden Hall Road.** Planning Enforcement Notice issued on 19<sup>th</sup> February 2014 against the conversion of the property into two flats. The Notice will come into effect on 25<sup>th</sup> March 2014 (unless a valid appeal is made against the Notice, before this date) with a compliance period of 6 calendar months.

**2.04 Land at 39 West Barnes Lane, Raynes Park SW20.** An enforcement notice was issued against the erection of a metal shed type structure, capable of accommodating two vehicles for painting and drying, metal fencing panel and the placing of floodlights atop existing fence posts. The notice was issued on 3<sup>rd</sup> December 2013 and requires the removal of the unauthorised structures,

including the large metal shed and fencing with floodlights and would come into effect by 14<sup>th</sup> January 2014 with a month's compliance period unless there is an appeal before that date. The notice is now effective as the Council has not been notified that an appeal has been received. Compliance period expired on 14/2/14. A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared.

- 2.05 39 West Barnes Lane, Raynes Park SW20 (second Notice).** An enforcement notice was issued against a material change of use of the land to a hand car wash/repair and car breaking yard and paint shop. The notice was issued on 3<sup>rd</sup> December 2013 and requires the unauthorised use to cease within one month of the effective date. The notice came into effect on 14<sup>th</sup> January 2014 as there was no appeal.

A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared.

- 2.06 2A Crown Road, Morden SM4.** An enforcement notice was issued on 30<sup>th</sup> October 2013 against an unauthorised conversion of an Islamic prayer meeting room (D1 community use) into three self-contained residential units comprising two 1-bedroom apartments and a 2-bedroom flat. The notice would have come into effect on 12<sup>th</sup> December 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 6 months. Two enforcement notices were issued – one for the material change of use, and the other for the operational development involved in the creation of the residential units. An informal hearing appeal has been registered and would be heard in June 2014.

- 2.07 16 – 20 Kingston Road, Wimbledon SW19** A breach of Condition Notice (BCN) was issued on 6<sup>th</sup> November 2013 against Grenfell Housing Association for breaching a planning condition requiring an identified vehicle parking area to be kept for parking. The notice came into effect immediately as there is no right of appeal and the business has 39 days to comply. (NB – there is an on-going appeal against the refusal of planning permission for the retention of an erected communication aerial).

- 2.08 Rapid Ready Mix, Alpha Place, Garth Road SM4** a breach of Condition Notice was issued on 9<sup>th</sup> October against the business for breaching a planning condition relating to the hours of working which are from 9.00 am to 6.00 pm from Monday to Friday and up to 3.00 pm on Saturdays. Nothing is permitted on Sundays, bank holidays and Public Holidays. The notice came into effect immediately as there is right of appeal and the business has 28 days to comply and operate within the approved hours. There have been a number of allegations of the business breaching the approved working hours. Following this, officers have now started unscheduled early morning and evening site visits to monitor and check compliance with this condition.

Further breaches of the Notice have now been witnessed and prosecution proceedings are being taken. It is anticipated that the first hearing will be in April 2014. .

2.09 **23A Bruce Road, Mitcham**, The Council issued a section 215 Amenity Land Notice on 27<sup>th</sup> August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice came into effect on 25<sup>th</sup> September as there was no appeal. A site visit carried out in November confirmed that the notice had not been complied with. A prosecution for non-compliance was being considered, but due to the owners circumstances direct action is now being arranged.

2.10 **Land at 120 Gorrington Park Avenue, Mitcham**, An enforcement notice was issued on 8<sup>th</sup> August 2013 against the unauthorised erection of single storey rear extension. The notice would become effective on 8<sup>th</sup> January 2014 unless an appeal is made prior to that date or the notice is complied with, in which case the notice will be withdrawn. The reason for this is that planning permission has been granted for the retention of part of the L-shaped structure with a replacement roof which means some part the existing structure will have to be demolished at some stage. The enforcement action is required to ensure this happens on time. Once effective, the notice would require the demolition of the structure within 2 months.

The Enforcement Notice has now been fully complied with and the case has been closed.

2.11 **Land at 7 Morden Gardens CR4**. An enforcement notice was issued on 9/7/13 against the erection of a corrugated plastic and timber lean-to rear extension. The notice became effective as the owners run out of time in making an appeal. The notice therefore came into effect on 9<sup>th</sup> September and requires the removal of the unauthorised structure within 3 months of the effective date. A letter has been sent to the landlord advising that they would be prosecuted for non-compliance unless the required works are completed within 28 days.

The compliance period has expired and a prosecution witness statement was being drafted, however a recent site inspection confirmed that the majority of the lean-to extension has now been removed and full compliance is expected imminently

### 3.0 **New Enforcement Appeals** None

#### 3.1 **Existing enforcement appeals**

- **150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21<sup>st</sup> August 2013 against the unauthorised erection of a four storey building with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An enforcement appeal and two planning appeals have been registered but are co-joined to be dealt together. The Council's final statement was sent on 30<sup>th</sup> January 2014.
- **27 Pitcairn Road, Mitcham CR4**. An enforcement notice was issued on 10<sup>th</sup> October 2013 against an unauthorised change of use of a garage/outbuilding into residential accommodation. The notice would come into effect on 21<sup>st</sup>

November 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 4 months. An enforcement appeal is now under way. And the Council's final statement was sent on 24<sup>th</sup> December 2013 and we are now waiting for a date for an inspector's site visit.

- **2 Lyndhurst Avenue SW16** – an appeal has been registered on 13/8/13 against an enforcement notice issued on 18/7/13 against the unauthorised conversion of the property into 2 self-contained flats. The appeal is proceeding by written representation and consultation letters were sent out on 27/8/13. The Council's final comment was sent on 17<sup>th</sup> October 2013. An Inspector site visit took place on 3<sup>rd</sup> April and a decision is expected within two to five weeks.

### **3.2 Appeals determined -**

- **None**

### **3.3 Prosecution case.**

**Rapid ReadyMix** – The prosecution for non-compliance with the Breach of Condition Notice (BCN) has been scheduled for 6<sup>th</sup> May 2014 at the Lavender Hill Magistrates Court in Battersea.

### **3.4 Requested updates from PAC**

**23A Bruce Road, Mitcham**, The Council issued a section 215 Amenity Land Notice on 27<sup>th</sup> August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice comes into effect in 28 days unless there is an appeal to the Magistrate. Direct action is being considered and if approved, the remedial works could be carried out by the Council and a charge would be put on the property.

Legal Services wrote to the owner on 18/12/13 asking for her agreement for the Council to carry out the required works in default and was given up Monday 13<sup>th</sup> January 2014 to respond, failing which the Council would prosecute for non-compliance.

#### **Burn Bullock PH, London Road, Mitcham –**

Due to the failure by the landlord to carry out the essential repairs, enforcement action is under way and would involve the issuing of a Listed Building Repairs Notice.

A planning application for the sale of motor vehicles in the rear car park of the Burn Bullock Public House has been submitted ref. No. 14/P0767. A number of objections have been received following consultations.

## **4. Consultation undertaken or proposed**

None required for the purposes of this report

- 5 Timetable**  
N/A
- 6. Financial, resource and property implications**  
N/A
- 7. Legal and statutory implications**  
N/A
- 8. Human rights, equalities and community cohesion implications**  
N/A
- 9. Crime and disorder implications**  
N/A
- 10. Risk Management and Health and Safety implications.**  
N/A
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**  
N/A
- 12. Background Papers**