

Committee: Planning Applications Committee

Date: 20th April 2017

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Ray Littlefield: 0208 545 3911
Ray.Littlefield@merton.gov.uk

Recommendation:

That Members note the contents of the report.

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.

Current Enforcement Cases:	542	¹ (538)	New Appeals:	1	(3)
New Complaints	42	(38)	Instructions to Legal	0	
Cases Closed	28	(31)	Existing Appeals	2	(2)
No Breach:	20		<hr/>		
Breach Ceased:	8		TREE ISSUES		
NFA ² (see below):	-		Tree Applications Received	54	(53)
Total	28	(38)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	1	(0)
New Enforcement Notice issued	2		Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0				
Total	2	(3)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period (8th March 2017 – 7th April 2017)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

- **12A Commonside West.** On 06/03/17 the council issued an enforcement notice against the unauthorised erection of a single storey rear outbuilding. The notice will come into effect on 15/4/17 unless an appeal is made prior to that. The compliance period is one month. No appeal has been made at the time of compiling this report.
- **36 Biggins Avenue, Mitcham, CR4 3HN.** The Council issued an enforcement notice on the 18th January 2017 for 'the single storey front extension and the created balcony on the first floor of the property. The notice requires the structures to be demolished and took effect on 1st March 2017, as no appeal had been submitted. Prosecution proceedings are under consideration.
- **18 Warminster Way, Mitcham, CR4 1AD.** The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would take effective on 27th April 2017. Unless an appeal is made before this date.

Some Recent Enforcement Actions

- **55-61 Manor Road, Mitcham** An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner has now confirmed that the Notice will be complied with by 21st April 2017, in which case the prosecution will be withdrawn, but if the Notice is not complied with the prosecution will proceed.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

- **14 Nelson Road, SW19.** On 20/12/16 the Council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would have come into effect on 1/2/17 unless an appeal was made prior to that. The compliance period was one month. No appeal was made. The development was modified and is now permitted development.
- **1 Flaxley Road Morden SM4 6LJ.** The Council issued an enforcement notice on 5th December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished. No appeal was made, the compliance date with the Notice is 16th March 2017. The extension has now been demolished, the Enforcement Notice has been complied with.
- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the above options to be carried out. An Appeal against this Notice has now been made, but a start letter has yet to be received.
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice takes effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. No appeal has been submitted, prosecution proceedings are under consideration. Prosecution proceedings to now be taken.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice is expected at the end of March 2017. Site visit to be undertaken to check for compliance.

25 Craven Gardens SW19. An Enforcement Notice was issued on 3/05/16 for the erection of a front bike shed. An appeal was received on 13/06/16. The appeal's decision was received on 02/03/17. The appeal was dismissed. A letter was sent to the owners on 03/03/17 giving a month to remove the bike shed as stated in the Enforcement Notice. The bike shed has now been removed, and the Enforcement Notice complied with.

3.00 New Enforcement Appeals

- **34 St Barnabas Road, Mitcham.** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.
- **2 and 2A Elms Gardens, Mitcham.** An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement is to be submitted.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice has now been submitted. We are awaiting Start Letter.

3.1 Existing enforcement appeals

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council was notified of an appeal. The compliance period is two calendar months. We are awaiting the outcome of this appeal.
- **34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. The start date of the appeal was confirmed as the 18th January 2017. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.

- **Land at Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. The Council's statement has now been submitted. Awaiting the Decision of this appeal.
- **44 Homefield Gardens, Mitcham CR4 3BY.** An enforcement notice was issued on 3rd August 2016 against the erection of a single covering structure at the front of the property. The notice would have come into effect on the 7th September 2016 but an appeal was submitted. The appeal was dismissed on 13/03/17 and the owners have to demolish the single covered structure by 13/04/17. Structure removed.

3.2

Appeals determined

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. Case to be re-allocated to a new officer. Structure still present.
- **21 Merton Hall Road, Morden.** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. Appeal dismissed. Structure removed, Case closed.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29th March 2017. The notice has now been complied with, case to be closed.
- **Swinburn Court, 32 The Downs SW19.** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date. The appeal was dismissed on 10/1/17 and the appellant had three months to comply. Date of compliance not yet reached, however the owner confirmed removal.

3.3 Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action. This case is to be re-allocated to a new officer.
- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.

3.4 Requested update from PAC

None

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

This page is intentionally left blank