

## Planning Applications Committee

**19 June 2019**

**Wards: All**

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

**Lead officer: HEAD OF SUSTAINABLE COMMUNITIES**

**COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE**

**Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND  
TRANSPORT COUNCILLOR MARTIN WHELTON**

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### 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.

<b>Current Enforcement Cases:</b>	<b>921</b>	<sup>1</sup> (901)	<b>New Appeals:</b>	(0)	(1)
<b>New Complaints</b>	88	(43)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>68</b>		<b>Existing Appeals</b>	<b>1</b>	(1)
No Breach:	36		<hr/>		
Breach Ceased:	34		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>49</b>	<b>(57)</b>
<b>Total</b>	<b>68</b>	<b>(31)</b>	<b>% Determined within time limits:</b>	<b>95%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>2</b>	<b>(0)</b>
New Enforcement Notice issued	3	(0)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
Others (PCN, TSN)	0	(0)			
<b>Total</b>	<b>0</b>	<b>(0)</b>			
<b>Prosecutions: (instructed)</b>	<b>1</b>	<b>(0)</b>			

Note (*figures are for the period from 13<sup>th</sup> April 2019 to 7<sup>th</sup> June 2019*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

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

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

## **2.0 New Enforcement Actions**

**183A Streatham Road CR4 2AG.** An Enforcement Notice was issued on 1<sup>st</sup> May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice will take effect on 4<sup>th</sup> June 2019, with a compliance period of 2 months if no appeal is made.

**74 Beeleigh Road, Morden, SM4 5JW.** An Enforcement Notice was issued on the property on 17<sup>th</sup> December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21<sup>st</sup> January 2019 with a compliance period of four months of this date unless an appeal is made. An appeal was made under ground (A) That Planning Permission should be granted. The Council's statement has been submitted.

**227 London Road SM4 5PU.** An Enforcement Notice was issued on the property on 20<sup>th</sup> December 2018 for 'Without planning permission, the formation of a hardstanding and the parking of vehicles, on the front garden of the land'. The notice requires the owner to cease use of the front garden for the parking of vehicles and to remove the unauthorised hardstanding; and will take effect on 24<sup>th</sup> January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date. A recent site visit has confirmed the requirements of the enforcement notice have not been complied. The Council are considering legal action if there is further non-compliance.

**The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ.** Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 11<sup>th</sup> October 2018. The Notice will take effect on 18<sup>th</sup> November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18<sup>th</sup> November 2018. An appeal was made but withdrawn the following day.

### **Some Recent Enforcement Actions**

- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> 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 3<sup>rd</sup> 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 29<sup>th</sup> 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.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

**1 Cambridge Road, Mitcham, CR4 1DW.** The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13<sup>th</sup> November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.

**399 Hillcross Avenue, Morden, SM5 4BY**

The Council served an enforcement notice on the 14<sup>th</sup> May 2019 to require the following steps; - revert the property to a single dwelling; and to remove from the land all materials and debris resulting from the compliance. The property has been changed from a dwellinghouse into four separate flats without planning permission. The compliance date is the 24<sup>th</sup> September 2019.

**7 Streatham Road, Mitcham, CR4 2AD**

The Council served two enforcement notices on 6<sup>th</sup> June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices come into effect on 8<sup>th</sup> July 2019 unless appeals are made before this date.

**3.0 New Enforcement Appeals - 0**

**Existing enforcement appeals - 1**

**Appeals determined – 1**

**22 St George's Road, Mitcham, CR4 1EB.** The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. The Appeal has now been determined. With the outcome that the decking was considered to be Permitted Development, but the fencing has to be reduced in height or removed.

**3.3 Prosecution cases.**

**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 stated that the Notice would be complied with by 21st April 2017.

The people involved were summoned to attend Lavender Hill Magistrates' Court on 10<sup>th</sup> July 2018. The defendants were required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance. A second prosecution is now underway.

### **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 – N/A**