

## **Committee:** Planning Applications Committee

**Date:** 28<sup>th</sup> May 2020

**Agenda item:**

**Wards:** All

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

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

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

**COUNCILLOR LINDA KIRBY, 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 casework 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>401</b>	<sup>1</sup> (398)	<b>New Appeals:</b>	(0)	(0)
<b>New Complaints</b>	23	(32)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>20</b>		<b>Existing Appeals</b>	<b>5</b>	(5)
No Breach:	15		<hr/>		
Breach Ceased:	5		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>3</b>	<b>(48)</b>
Total	20		<b>% Determined within time limits:</b>	<b>100%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>3</b>	<b>(3)</b>
New Enforcement Notice issued	0	(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)			
Total	0	(0)			
<b>Prosecutions:</b> (instructed)	0	(0)			

Note (**figures are for the period from (5<sup>th</sup> May 2020 to 15<sup>th</sup> May 2020)**). 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

**283 Galpins Road CR7 6EY.** This is concerning a s215 notice served on untidy land. A s215 notice was issued on 23 December 2019. This notice required compliance at the end of February 2020 requiring the Land to be tided up / cleared.

**31 Edgehill Road, Mitcham, CR4 2HY.** This is concerning a raised platform/garden that has been raised by approximately 90cm. An enforcement notice has been served to remove the raised platform and reduce the garden level by 90cm. The notice would have taken effect on 18/12/19, with a compliance date of 18/03/20, however an appeal has been submitted and is underway.

**193 London Road CR4 2TJ.** This is concerning untidy land to the side and rear of 193 London Road. An initial site visit was carried out, multiple letters have been sent to the property asking for compliance and for them to contact the Council to confirm a compliance schedule of works. Correspondence from the owner has been received. A further visit was made to confirm the site has not been tidied. A s215 enforcement Notice for untidy land has been drafted and is due to be reviewed and signed off by a manager authorising the service of a s215 Notice.

**155 Canterbury Road, Morden, SM4 6QG.** This is concerning an outbuilding in the rear garden that has had a retrospective planning application refused. An enforcement notice has been served on the property for the outbuilding to be demolished, the notice would have taken effect on 9th December 2019 and the compliance period would have been two months. However it has now been appealed to the Planning Inspectorate. The appeal is now ongoing.

**208 Bishopsford Road, Morden, SM4 6DA.** This is concerning the erection of a single storey rear extension onto an existing extension on the ground floor. A Planning Enforcement Notice has been issued requiring the demolition of the Extension. The Notice was issued on 4<sup>th</sup> October 2019, the Notice came into effect on 10<sup>th</sup> November 2019 with a compliance period of 3 months, unless an appeal was made before 10<sup>th</sup> November 2019. An appeal was submitted but rejected by the Planning Inspectorate as it was received by The Planning Inspectorate one day late. Compliance date was 10<sup>th</sup> February 2020. Further action is under consideration

**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. A Planning Enforcement Notice was issued on 11th October 2018 requiring either the demolition of the development or building to the approved scheme. The Notice took effect on 18th November 2018 with a compliance period of 12 calendar months. An appeal was made but subsequently withdrawn the following day. The owner decided to comply with the approved permission and is in the process of returning some the residential units back to their authorised office use. Bath and shower units have been removed; the office units are currently being advertised for let. The garage flat is no longer being used for residential and is in the process of being returned to a garage. Planning Application 19/P1527 for Discharge of Conditions has been submitted and is currently being considered. Revised scheme re-submitted and is currently under consideration.

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 2)** This is regarding a side extension not built in accordance with approved plans and being used as a self contained unit of accommodation. A planning Enforcement Notice was subsequently issued on 24th September 2019 and took effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a

compliance period of 3 calendar months. An appeal was submitted but subsequently withdrawn. A second Notice is subject of an appeal in progress.

### **Some Recent Enforcement Actions**

#### **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 came into effect on 8<sup>th</sup> July 2019 unless appeals were made before this date. No appeals were lodged.

The compliance date of the Enforcement Notice relating to the outbuilding to be demolished and to clear debris and all other related materials has now passed without compliance. The second enforcement notice was not complied with and now prosecution proceedings are being undertaken.

The plea hearing has now taken place at Lavender Hill Magistrates Court, where the defendant pleaded not guilty and the second hearing is due on the 14th January 2020.

A second hearing was held on 14<sup>th</sup> January 2020, and adjourned until 4<sup>th</sup> February 2020 in order for the defendant to seek further legal advice.

The defendant again appeared in court and pleaded not guilty, a trial date was set for 21<sup>st</sup> May 2020. Due to the Covid-19 pandemic this has been postponed. The case has been listed for a 'non-effective' hearing on Tuesday 14 July 2020, where a new trial date will be set.

#### **3.00 New Enforcement Appeals**

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1)** This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24<sup>th</sup> September 2019 and would have taken effect on 24<sup>th</sup> October 2019. The notice requires the demolition of the rear extension. This Notice has a compliance period of 3 calendar months. An Appeal was electronically submitted, and has now started.

**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 would have taken effect on 4<sup>th</sup> June 2019, with a compliance period of 2 months. An Appeal to The Planning Inspectorate has been made and the Appeal is in progress.

**47 Edgehill Road CR4 2HY.** This is concerning a rear extension not being built to the dimensions provided on the prior approval application. A Planning Enforcement Notice was subsequently issued requiring the demolition of the single storey rear extension. The Notice would have taken effect took effect on 16th September 2019, with a compliance period of 3 calendar months. An Appeal has started.

**33 HASSOCKS ROAD, LONDON. SW16 5EU:** This was regarding the unauthorised conversion from a single dwelling into 2 x self contained flats against a refusal planning permission. A planning Enforcement Notice was subsequently issued on 10th September 2019 and would have taken effect on 15th October 2019. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been submitted, and has started. The appeal site visit was postponed, by The Planning Inspectorate.

**76 Shaldon Drive, Morden, SM4 4BH.** An enforcement notice was served on 14th August 2019 relating to an outbuilding being used as a self-contained unit. The notice requires the removal of all kitchen facilities, fixtures, fittings, cooker, worktops, kitchen units. The notice takes effect on 16th September 2019, with a compliance period of 1 month. An Appeal has been electronically submitted, but not yet started.

**Existing enforcement appeals** 5

**Appeals determined** 0

**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**