

**Committee:** Planning Applications Committee

**Date:** 12<sup>th</sup> February 2015

**Agenda item:**

**Wards:** All

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

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** 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 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>1017</b> <sup>1</sup> (1085)	<b>New Appeals:</b>	<b>0</b> (0)
<b>New Complaints</b>	<b>23</b> (233)	<b>Instructions to Legal</b>	<b>0</b>
<b>Cases Closed</b>	<b>91</b> (89)	<b>Existing Appeals</b>	<b>3</b> (2)
No Breach:	52	<hr/>	
Breach Ceased:	39	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>48</b> (33)
Total	<b>91</b> (89)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>1</b> (2)
New Enforcement Notice issued	0	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	1		
Total	1 (0)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period (6<sup>th</sup> January – 2<sup>nd</sup> February 2015)*). 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.

## 2.00 New Enforcement Actions

None

### Recent Enforcement Actions

- 2.01 84 Cardinal Avenue Morden SM4** An enforcement notice was issued on 27th November 2014 against an outbuilding erected to the rear of the property. A retrospective application for its retention was refused planning permission on 28/08/14. Enforcement action was considered necessary as the property was put on the market for sale. The notice came into effect on 5th January 2014 as the Council has not been notified of an appeal prior to that date. The owners are required to demolish the outbuilding within two months.

**An appeal against the refusal of planning permission has been allowed and planning permission is granted for a single storey outbuilding to be used as a playroom at 84 in accordance with the terms of the application, Ref 14/P1460, dated 10 March 2014, and the plans submitted with it, subject to the condition that the outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 84 Cardinal Avenue.**

**2.02 25 Malcolm Road Wimbledon SW19** A section 215 (Amenity Land) Notice was issued on 10th September 2014 to require remedial works to the land involving the removal of hoarding, bamboo fencing, plastic sheeting on an existing car port, a marquee, a skip and also clear the land of abandoned building materials, wooden pallet and general waste. The notice came into effect on 9th October 2014 (28 days after service) as there was no appeal against the notice. Some works have been carried out to tidy the site.

**There has been no further progress so consideration is being given to the possibility of taking direct action.**

**2.03 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. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27<sup>th</sup> October 2014 for consideration. The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, should be completed within five months of the approval date.

**The application was due to expire on 27<sup>th</sup> January 2015. However comments are required from English Heritage before the report can be written up with an appropriate recommendation. The delay is due to the fact that English Heritage (EH) had to get a heritage structural engineer to look at some aspects of the proposal at a late stage.**

**2.04 Burn Bullock, 315 London Road, Mitcham CR4** - An enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20<sup>th</sup> August 2014 as there was no appeal prior to that date and the compliance period would expire by 20<sup>th</sup> October 2014 (2 calendar months). The car sales business has ceased in compliance with the requirements of the notice. Cars have been removed from the front car park and the site tidied up but there are a significant number left in the rear car park.

**We have been informed that the individual selling the cars has been on hospital admission for some time and that is why the cars have not been removed from the car park. The option left to the Council is to prosecute the landlords and or/ occupier for non-compliance as they are in control of the land to be able to carry out the required works. Prosecution will now be pursued subject legal advice confirming that such action would satisfy the public interest requirement**

### **3.0 New Enforcement Appeals**

**None**

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

- **33 Eveline Road Mitcham CR4.** An enforcement notice was issued on 1st October 2014 against the unauthorised conversion of the property into two self-contained flats. The notice would come into effect on 12th November 2014 unless there is an appeal prior to that date and the compliance period

would be three months. The requirements are for the unauthorised use to cease and remove all partitions, facilities, and means of separation, fixtures and fittings facilitating the use of the dwelling as two residential units. An appeal has been registered and given the history of the site the Inspectorate has agreed at the Council's request, and the appeal is proceeding by way of a public enquiry to allow evidence to be tested under oath. The Council's statement was sent on 29<sup>th</sup> December 2014.

**An enquiry date has been scheduled for June 2015.**

- **Land and premises known as 336 Lynmouth Avenue, Morden SM4.** An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding.

**The Council's statement is due on 19<sup>th</sup> February 2015**

- **Unit 6, Mitcham Industrial Estate, Streatham Road Mitcham CR4.** An enforcement notice was issued on 24th June 2014 against the installation of three extraction vents to the rear roof of the building. The notice would have come into effect on 5th August 2014 but an appeal has been registered with a start date from 8th August 2014. Final statements have been exchanged and now waiting for an inspector site visit date.

**An inspector site visit date has been scheduled for 13<sup>th</sup> February 2015.**

**3.2 Appeals determined –**

**None**

**3.3 Prosecution case.**

**None**

**3.4 Requested update from PAC**

**Burn Bullock PH, 315 London Road, Mitcham** – Officers to advise Cllr Ross Garrod when 2 week period to remove cars expires.

The enforcement notice relating to the car sales came into effect on 20<sup>th</sup> August 2014 as there was no appeal and the compliance period expired at the end of October 2014. Following a threat of prosecution for non-compliance a month after the expiry date, the landlord asked for an extension to move the cars as some of them had broken down and needed to be moved on transporters. The extension period has run out and the enforcement report should have been updated. This was an oversight.

The option left to the Council is to prosecute the landlords and/or occupier for non-compliance as they are in control of the land to be able to carry out the

required works. Prosecution will now be pursued subject to legal advice confirming that such action would satisfy the public interest requirement.

**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**

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