

Eastleigh Borough Council
Specialist Services
Housing & Development

Planning Enforcement
Annual Report
2019/20

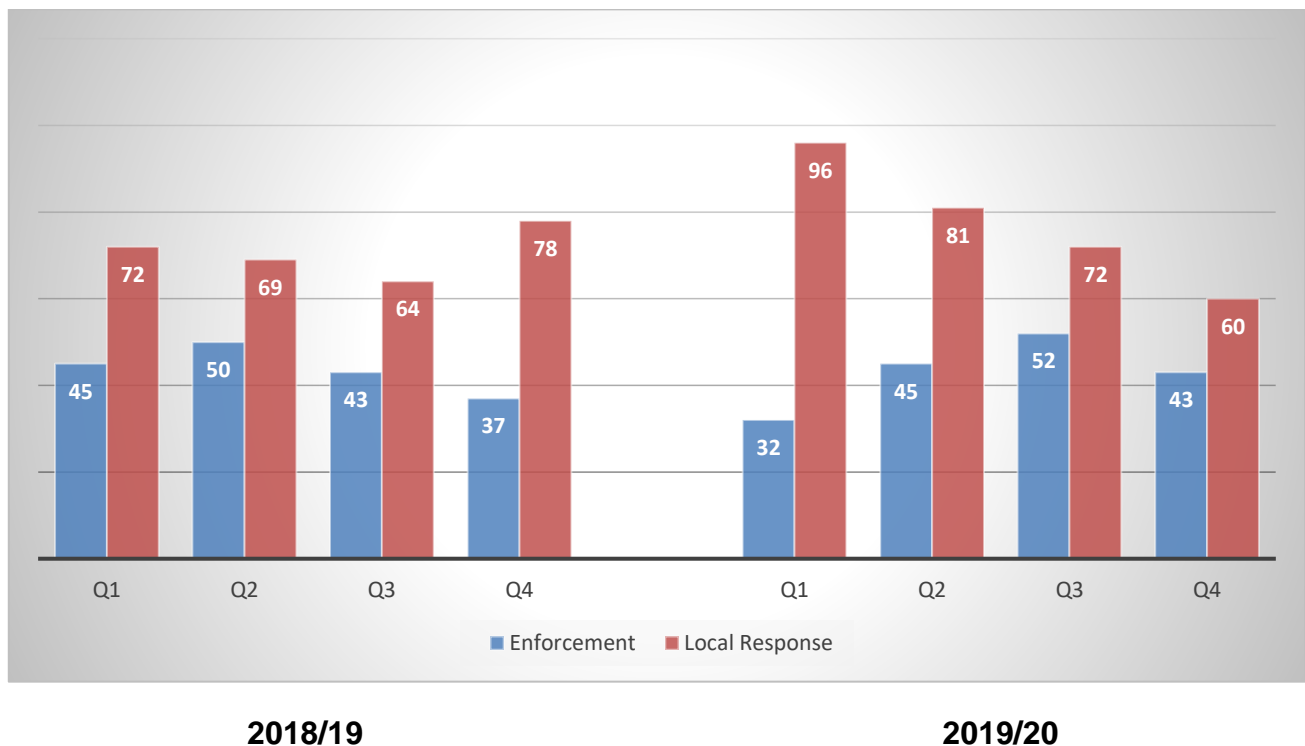


1. INTRODUCTION

1.1. This report seeks to provide a summary of the work undertaken, by the Enforcement Specialists and Local Response team across the Eastleigh borough relating to Planning Enforcement, for the period of 1 April 2019 to 31 March 2020. It reports the statistics for the work undertaken in the financial year of 2019/20, as well as a comparison of other relevant statistical data.

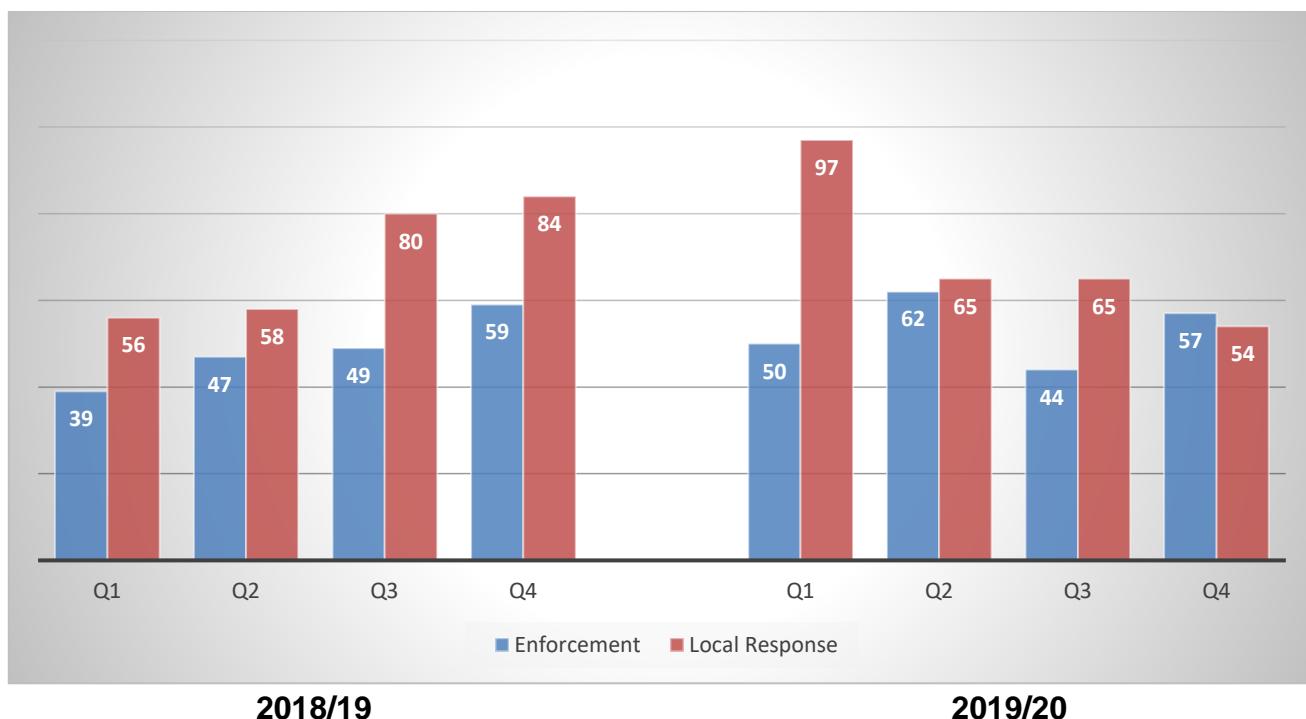
2. NUMBER OF NEW COMPLAINTS

2.1. The work of the enforcement team remains principally reactive to complaints and queries from Members, Parish Councils, staff and the public about alleged breaches of planning control. Team members, however, also have a number of cases which include proactive monitoring and engagement into planning matters. During the year 2019/20, a total of **482** new cases were registered in the Borough compared to **458** for 2018/19 – a **rise of 5%**. The distribution of these cases received across this period is illustrated in Figure 1 below and compares the data of 2018/19.



3. NUMBER OF CASES CLOSED

3.1. The Enforcement team & Local Response team concluded **498** cases during 2019/20 compared to **472** in 2018/19 – a **rise of 6%**. This figure includes several highly complex cases, both new and a few brought forward from the past twelve months. The distribution of cases closed is illustrated in Figure 2 below and compares the data 2018/19.



3.2. The number of cases closed across the Parishes for 2019/20;

Parish	Q1 Apr-Jun	Q2 Jul-Sep	Q3 Oct-Dec	Q4 Jan-Mar	Total
Allbrook & North Boyatt Parish Council	1	2	1	1	5
Bishopstoke Parish Council	12	12	11	6	41
Botley Parish Council	2	8	5	7	22
Bursledon Parish Council	9	10	9	12	40
Chandlers Ford Parish Council	33	34	26	17	111
Hamble-Le-Rice Parish Council	5	3	7	10	25
Hedge End Town Council	18	14	10	16	58
Hound Parish Council	15	9	2	5	30
Eastleigh	19	9	13	18	59
Fair Oak & Horton Heath	18	15	11	11	55
West End Parish Council	19	11	14	8	52
Outside of Borough	0	0	0	0	0
TOTAL	151	127	109	111	498

3.3. An enforcement case can be considered closed for a number of reasons, as shown in Table 2. The proportion of each reason type is also provided within this table.

No. closed	%	Reason	Explanation
207	42%	No Breach	Development subject of the complaint or enquiry had; a. The benefit of planning permission b. Fell with 'Permitted Development' tolerances; or c. Did not constitute 'development' within the meaning of the Town and Country Planning Act 1990.
141	28%	Breach Resolved	The enquiry/complaint has been resolved
81	16%	Passed to Other Agency	Issue being investigated by other agency such as Environment Agency, Hampshire County Council etc. A retrospective application has been received as a result of the enforcement investigation and is being determined by the Planning department.
51	10%	Not Expedient	Where a decision has been made that it would not be expedient to pursue formal enforcement action.
8	2%	Permission Granted	Planning permission had already been granted.
10	2%	Duplicate	The issue is already being dealt with under another Enforcement reference number.

Table 2: Cases closed 2019/20

3.4. The conclusions drawn on the cases closed during 2019/20 are illustrated within Figure 3.

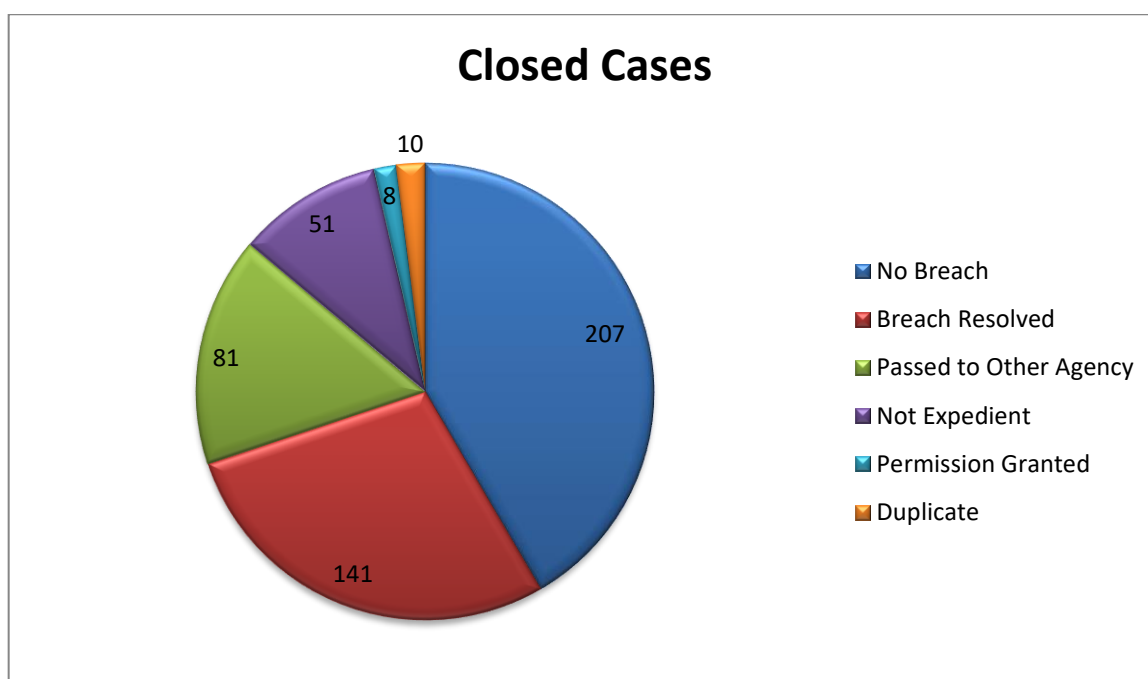


Figure 3: The conclusion of cases in 2019/20.

3.5. In the case of 'Not Expedient', the breach has been considered against the planning policies contained within the Eastleigh Borough Council Local Plan 2001-2011, the

emerging Local Plan 2016-2036 and other material considerations such as National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

As such, it was concluded that it would be inappropriate to take formal enforcement action, against these specific breaches, as the breach is either trivial or causes minimal harm in planning terms.

This can be for a variety of reasons for example, an extension that is 10cm higher than allowed under Permitted Development, untidy land where it is not considered significantly detrimental to the neighbourhood amenity etc.

4. CONDITION MONITORING

4.1. Of the 498 cases closed, **12** of these were Condition Monitoring cases;

BHH

- E/17/16625** – Long View, Bursledon Road, Hedge End
- ENF/2019/228** – VT Sports Ground, Portsmouth Road, Bursledon
- E/16/16173** – Goslings Turning, Orchard Lodge, Providence Hill, Bursledon

BIFOHH

- ENF/2018/27** – R & R Contractors, Orchard Close, 79 Mortimers Lane, Fair Oak
- ENF/2018/71** – Land at Fair Oak Road, Fair Oak
- ENF/2019/462** – Limewood Grange, Allington Lane, Fair Oak
- ENF/2019/463** – Fair Oak Lodge, Allington Lane, Fair Oak

EA

- E/15/15714** – British Bakeries Ltd, Toynbee Road, Eastleigh
- E/16/16419** – Woodside Avenue Allotments, Woodside Avenue, Eastleigh
- ENF/2017/46** – Eastleigh College of Further Education, Desborough Road, Eastleigh

HEWEB

- ENF/2018/423** – Former Home Farm, St Johns Road, Hedge End
- E/10/14169** – Former Kings Copse Primary School, Hedge End

4.2. Condition monitoring cases are **not** included in the KPI statistics within section 6 of this report as they are invariably lengthy investigations that include multiple phases of monitoring over significant periods of time and would fall outside of the priority target dates.

5. RETROSPECTIVE APPLICATIONS

5.1. During 2019/20, **48** applications were registered as containing a retrospective element arising from an enforcement investigation. This was made up of 37 householder applications, 9 full applications and 2 applications for advertisement consent and they included the following;

- Outbuildings
- New access
- Boundary treatments
- Tree house
- Single storey extensions
- Advertisements
- Change of Use

Of these applications, **31 (64%)** have been approved, **7 (15%)** were refused, **1 (2%)** was withdrawn and **9 (19%)** are awaiting determination.

5.2. These applications generated income of **£11,360** for 2019/20.

6. PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS

6.1. Eastleigh Borough Council has a number of Key Performance Indicators (KPI's) relating to Planning Enforcement. **Please note:** *Condition Monitoring & High Hedge cases are not included within the KPI statistics.*

6.2. The first KPI relates to concluding cases specific to their priority – target 80% (please see table below);

Priority	Target	Cases Closed	Within Target	Outside Target	%
P1	30 days	47	33	14	70%
P2	90 days	140	89	51	64%
P3	42 days	280	144	136	51%
P4	42 days	15	3	12	20%

P1 – **6** of the **14** cases outside of target were concluded within 10 days of the target date. **5** were concluded within one month and **3** were between 1 and 2 months after the target date.

P2 – **15** of the **51** cases outside of target were concluded within three months of the target date. **9** were within three to six months, **14** within six to twelve months and **13** were concluded more than twelve months after the target date. The vast majority of these cases were historic that have involved processes such as lengthy investigations, formal notices being served and waiting for appeals to be determined.

P3/4 – The Local Response Manager has been asked to investigate these figures and will report back once carried out.

6.3. The second KPI relates to the investigating officer carrying out the initial site visit within a particular time – target 80% (please see table below);

Priority	Target	Cases Closed	Within Target	Outside Target	%
P1	1 working day	47	35	12	74%
P2	10 working days	140	111	29	79%
P3	20 working days	280	230	50	82%

* Site visits for P4 cases are only carried out if required following a desktop assessment and are therefore not targeted.

7. FORMAL ACTION

7.1. During 2019/20, **25** formal Notices were served compared to **31** for the same period in 2018/19;

Enforcement Notice	-	7
Breach of Condition Notice	-	1
Stop/Temp Stop Notice	-	4
Planning Contravention Notice	-	1
Section 215 Notice	-	3
Section 330 Notice	-	9

There are currently **5** Notices waiting to be served however, due to the COVID-19 outbreak, we are unable to serve these at this time. These will be served as soon as business returns to normal.

8. ENFORCEMENT APPEALS

8.1. During the year 2019/20, **3** enforcement appeal decisions have been issued by the Planning Inspectorate – 2 dismissed and 1 allowed. These related to the following cases;

- **E/16/16252 – Seddul Bahr, Allington Lane, Fair Oak.**
An Enforcement Notice served stating 'Unauthorised Change of Use from agricultural to storage & distribution.' The appeal was allowed on 16 December 2019 and costs awarded to the appellant.
- **ENF/2019/279 – 20 Corinthian Road, Chandlers Ford.**
An Enforcement Notice served for the unauthorised erection of a fence in excess of 1 metre in height above ground level and adjacent to the highway. The appeal was dismissed on 10 February 2020 and the appellant has been requested to reduce the fence to 1m.
- **ENF/2018/319 – Land at corner of Peewit Hill and West End Road, Hedge End.**
An Enforcement Notice served for the unauthorised siting of a container. The appeal was dismissed on 14 March 2020 and the appellant has been requested to remove the container from site.

8.2. **3** appeals were validated by the Planning Inspectorate during the past year;

- **Little Hatts Recreation Ground, Botley** (*Enforcement Notice for unauthorised fencing in excess of 1m adjacent to the highway*)
- **20 Corinthian Road, Chandlers Ford** (*Enforcement Notice for unauthorised fencing in excess of 1m adjacent to the highway*)
- **Twelve Acres, Woodhouse Lane, Hedge End** (*s215 Notice for untidy land*)

8.3. The above appeal relating to Twelve Acres (ENF/2019/67) was subsequently withdrawn. A Section 215 Notice was served regarding untidy land however, following a meeting with the owner of the land, the land was cleared before the appeal was validated by PINS and therefore no longer required.

8.4. As of 31 March 2020, we have **3** appeals ongoing;

REF	LOCATION	NOTICE & BREACH	OFF	STATUS
E/16/16309	4 New Road, Netley Abbey	EN – Unauthorised side extension	PW	Awaiting start date
E/15/15959	Little Hatts, off Tickner Close, Botley	EN – Unauthorised Operational Development (Metal framed building & Tree House)	CL/PW	Start date 10/03/20 and Public Inquiry set for 3-5 November 2020
E/15/15959	Little Hatts, off Tickner Close, Botley	EN – Unauthorised Change of Use (Agricultural Use to mixed use of Agriculture, Equestrian, stationing of caravans and non-agricultural business use and storage)	CL/PW	Start date 10/03/20 and Public Inquiry set for 3-5 November 2020

9. PROSECUTIONS

9.1. In October a prosecution for non-compliance with an Enforcement Notice began in relation to a site in Bursledon. During the first hearing one of the two offenders failed to show at Southampton Magistrates Court so the case was adjourned for November. Before the second hearing date, the owner decided to comply with the requirements of the Enforcement Notice and following a compliance check, the prosecution was withdrawn and the file closed.

NAME: PHIL WISEMAN
DATE: 30 April 2020