

Eastleigh Borough Council
Specialist Services
Housing & Development

Planning Enforcement
Quarterly Report
(Quarter 1)

1 April – 30 June 2020

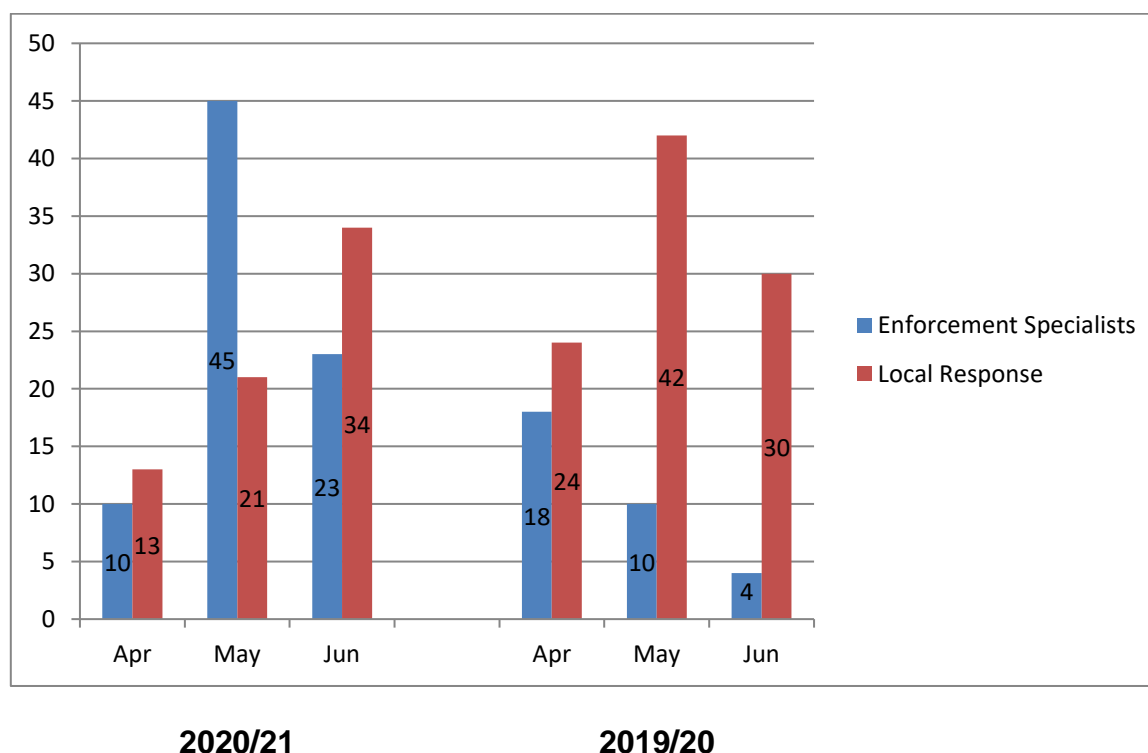


1. INTRODUCTION

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 to 30 June 2020. It reports the first quarterly statistics contributing to the work undertaken in the financial year of 2020/21, as well as a comparison of other relevant statistical data.

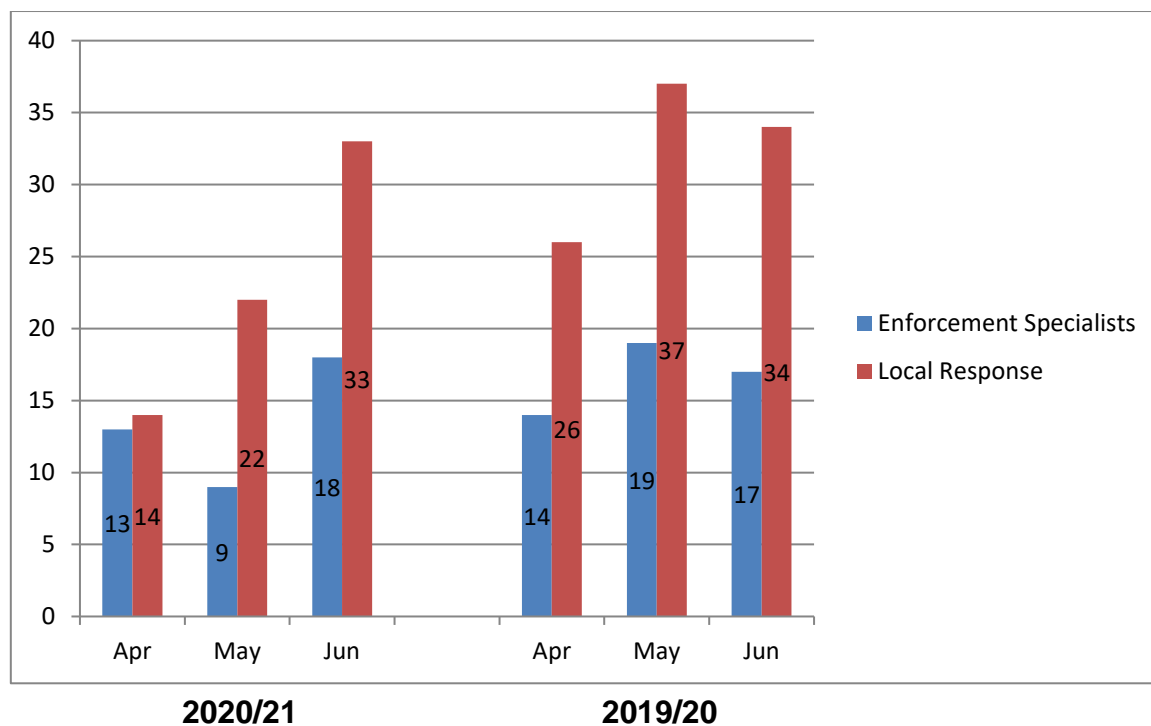
2. NUMBER OF NEW COMPLAINTS

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 first quarter of 2020/21, a total of **146** new cases were registered in the Borough compared to **128** for the same period in 2019/20, a rise of **14%**. The distribution of these cases received across this period is illustrated in Figure 1 below and compares the data of the first quarter in 2019/20.



3. NUMBER OF CASES CLOSED

3.1. The Enforcement Specialists & Local Response team concluded **109** cases during the first quarter of 2020/21 compared to **151** in 2019/20, a fall of **28%**. One of the reasons for this reduction is the impact COVID-19 had on the ability of the Enforcement team to visit site and therefore make a full assessment of an alleged breach prior to concluding the case. This figure also includes a number of 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 with the first quarter of 2019/20.



3.2. The number of cases closed across the Parishes 1 April – 30 June 2020;

Parish	Apr-Jun
Allbrook & North Boyatt Parish Council	4
Bishopstoke Parish Council	8
Botley Parish Council	3
Bursledon Parish Council	12
Chandlers Ford Parish Council	16
Eastleigh	12
Fair Oak & Horton Heath	7
Hamble-Le-Rice Parish Council	3
Hedge End Town Council	13
Hound Parish Council	14
West End Parish Council	17
Outside of Borough	0
TOTAL	109

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
60	55%	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.
32	29%	Breach Resolved	The enquiry/complaint has been resolved
6	6%	Passed to Other Agency	Issue being investigated by other agency such as Environment Agency, Hampshire County Council etc.
8	7%	Not Expedient	Where a decision has been made that it would not be expedient to pursue formal enforcement action.
1	1%	Retro App received	Retrospective application received as a result of the enforcement investigation.
1	1%	Permission Granted	Either planning permission had already been granted or a retrospective application was submitted and approved.
1	1%	Duplicate	The issue is already being dealt with under another Enforcement reference number.

Table 2: Cases closed during Quarter 1 – 2019/20

3.4. The conclusions drawn on the cases closed during the first quarter of 2020/21 are illustrated within Figure 3.

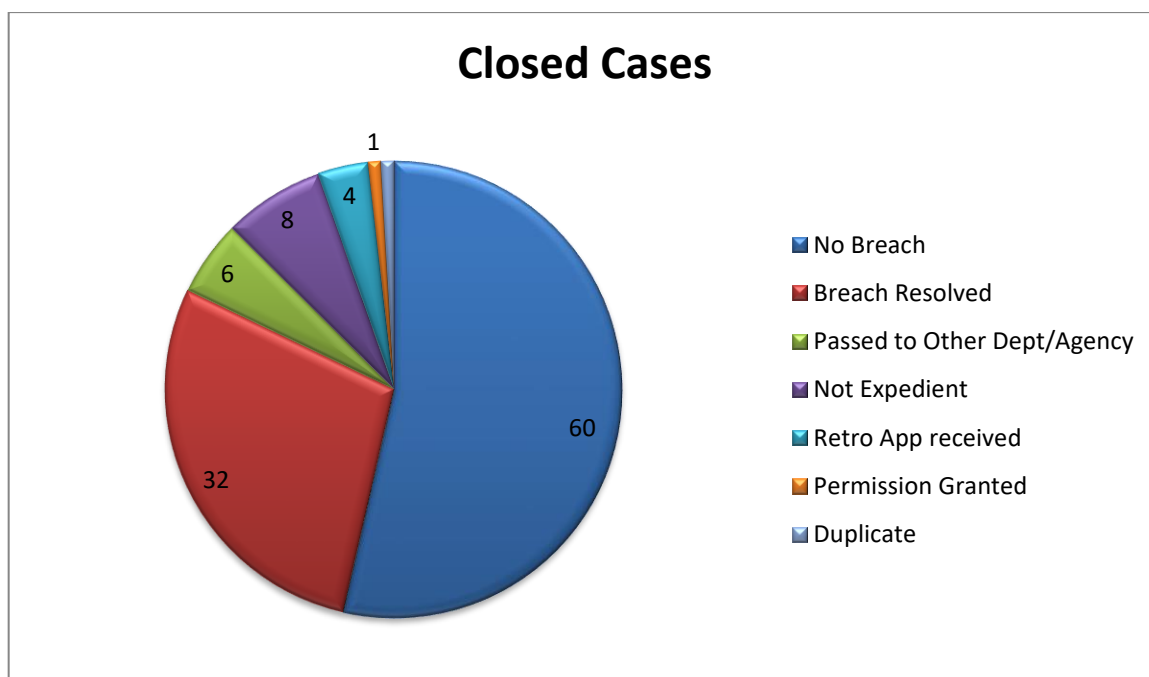


Figure 3: The conclusion of cases in the first quarter 1 April – 30 June 2020.

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 such as an extension that is 10cm higher than allowed under Permitted Development, what has taken place would have received planning permission had an application been made, untidy land where it is not considered significantly detrimental to the neighbourhood amenity etc.

4. CONDITION MONITORING / HIGH HEDGES

4.1. Of the **109** cases closed, **1** of these was a Condition Monitoring case;

ENF/2020/82 – Thorneydown Farm, Moorhill Road, West End (**HEWEB**)

4.2. Condition monitoring cases are not included in the KPI statistics 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. High Hedge investigations are a paid for service which involve significant periods of time and are therefore also not included in the KPI statistics.

5. RETROSPECTIVE APPLICATIONS

5.1. During the three months of the first quarter of 2020/21, **5** applications were registered as being retrospective or containing a retrospective element arising from an enforcement investigation. Of these applications, **3** (60%) were refused and **2** (40%) were approved. These applications generated income of **£1058**. Of the applications refused, 2 were the subject of a further application which approved permission (*Osborne Quarters*) and the other is currently under investigation (*Grange Road*).

6. PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS

6.1. Eastleigh Borough Council has a number of Key Performance Indicators (KPI's) relating to Planning Enforcement. The first is to conclude 80% of planning enforcement complaints specific to their priority – target 80% (please see table below);

Priority	Target	Cases Closed	Within Target	Outside Target	%
P1	<i>30 days</i>	11	11	0	100%
P2	<i>90 days</i>	24	22	2	92%
P3	<i>42 days</i>	67	32	35	48%
P4	<i>42 days</i>	6	4	2	67%

For P1 cases, we had a number of investigations that required consultations with other departments, interviews under caution had to be arranged and carried out and retrospective applications were to be submitted – all of which led to our investigations not meeting the 30 day target.

P2 – The two P2 cases that fell outside of the target were historic cases dating back to 2017/18 – Old Oak Farm (*Stop Notice*) and 15-17 Lower New Road (*Section 215 Notice*). These cases were lengthy and involved the serving of formal notices which as a result led to compliance periods being provided to allow for compliance.

6.2. 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	11	11	0	100%
P2	10 working days	24	21	3	88%
P3	20 working days	67	54	13	81%

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

1 of the P2 cases was out of target by 14 days. Once investigated it was concluded that this case should have been a P3, not a P2 however, the priority was not changed. The other 2 P2 cases did not require an urgent site inspection after a desktop assessment and initial calls with relevant parties were carried out.

7. FORMAL ACTION

7.1. During the first quarter of 2020/21, 1 formal Notice was served;

Enforcement Notice	-	0
Breach of Condition Notice	-	0
Stop/Temp Stop Notice	-	0
Planning Contravention Notice	-	1
Section 215 Notice	-	0
Section 330 Notice	-	0
Remedial Notice	-	0

7.2. Formal action was put on hold during the COVID-19 and was resumed mid-June 2020. This reflects in the low number of notices served.

8. LEGAL ACTION

8.1. No legal action is ongoing at present.

9. ENFORCEMENT APPEALS

9.1. No enforcement appeal decisions have been issued by the Planning Inspectorate, during this quarter.

9.2. 1 appeal is currently ongoing at 4 New Road, Netley Abbey with the Planning Inspector Site Visit set for mid-August 2020.

9.3. As of 31 July 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	PI site visit mid-August
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 May 2021
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 May 2021

NAME: Phil Wiseman

DATE: 30 July 2020