

Eastleigh Borough Council
Specialist Services
Housing & Development

Planning Enforcement
Quarterly Report
(Quarter 2)

1 July – 30 September 2020

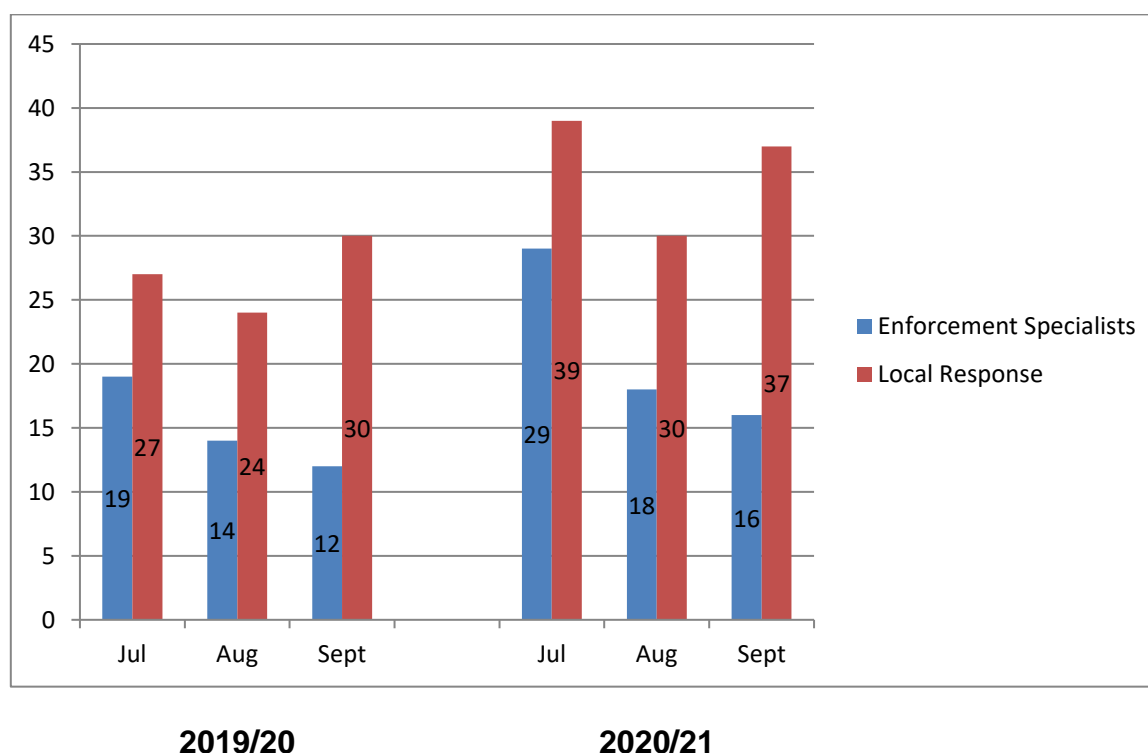


1. INTRODUCTION

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

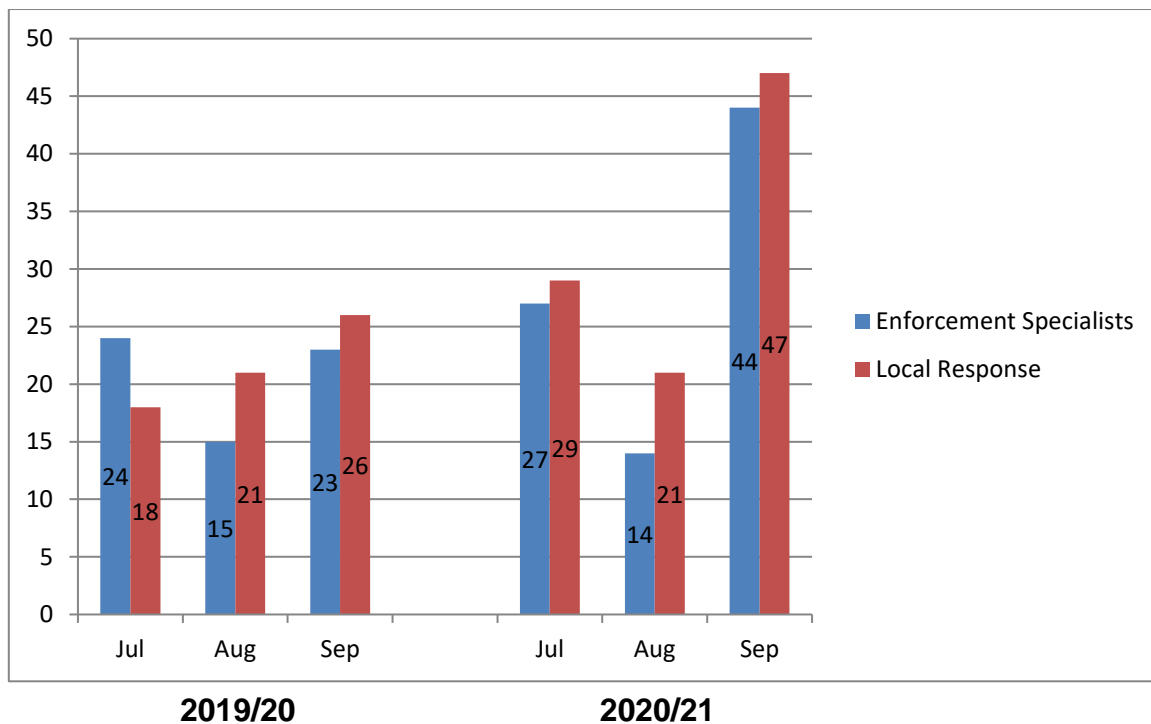
2. NUMBER OF NEW COMPLAINTS

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 second quarter of 2020/21, a total of **169** new cases were registered in the Borough compared to **127** for the same period in 2019/20, a rise of 33%. 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 **182** cases during the second quarter of 2020/21 compared to **127** in 2019/20, a rise of 43%. The distribution of cases closed is illustrated in Figure 2 below and compares the data with the second quarter of 2019/20.



3.2. The number of cases closed across the Parishes 1 July – 30 September 2020;

Parish	Apr-Jun	Jul-Sep	Total so far
Allbrook & North Boyatt Parish Council	4	4	8
Bishopstoke Parish Council	8	6	14
Botley Parish Council	3	16	19
Bursledon Parish Council	12	15	27
Chandlers Ford Parish Council	16	21	37
Eastleigh	12	21	33
Fair Oak & Horton Heath	7	11	18
Hamble-Le-Rice Parish Council	3	7	10
Hedge End Town Council	13	23	36
Hound Parish Council	14	44	58
West End Parish Council	17	14	32
Outside of Borough	0	0	0
TOTAL	109	182	291

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
73	40%	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.
37	20%	Breach Resolved	The enquiry/complaint has been resolved
6	3%	Passed to Other Agency	Issue being investigated by other agency such as Environment Agency, Hampshire County Council etc.
11	6%	Retro App received	A retrospective application has been received and is being dealt with by the Planning department.
19	11%	Not Expedient	Where a decision has been made that it would not be expedient to pursue formal enforcement action.
31	17%	Permission Granted	Either planning permission had already been granted or a retrospective application was submitted and approved.
5	3%	Duplicate	The issue is already being dealt with under another Enforcement reference number.

Table 2: Cases closed during Quarter 2 – 2020/21

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

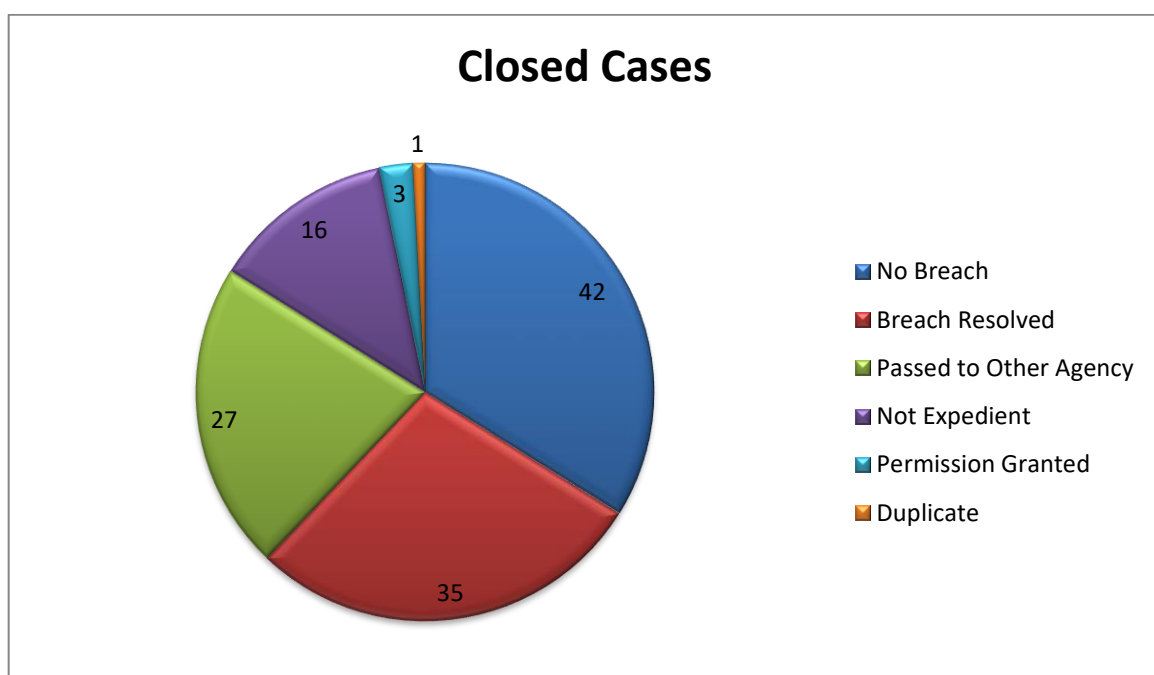


Figure 3: The conclusion of cases in the second quarter 1 July – 30 September 2020.

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, untidy land where it is not considered significantly detrimental to the neighbourhood amenity etc.

4. CONDITION MONITORING / IGH HEDGE

4.1. Of the 182 cases closed, **3** of these were Condition Monitoring cases and **1** a High Hedge case;

Condition Monitoring

ENF/2019/491 – 210 Chestnut Avenue, Eastleigh (**EA**)

ENF/2019/34 – 10-12 Romsey Road, Eastleigh (**EA**)

ENF/2018/26 – Land east of Knowle Lane, Fair Oak (**BIFOHH**)

High Hedge

ENF/2020/16 – 4 Queens View, Netley (**BHH**)

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 second quarter of 2020/21, **10** applications were registered as being retrospective or containing a retrospective element arising from an enforcement investigation. Of these applications, **5** (50%) are yet to be determined and **5** (50%) have been approved. These applications generated income of **£2526**. The running figure for 2020/21 is **£3584**.

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 cases specific to their priority – target 80% (please see table below);

Priority	Target	Cases Closed	Within Target	Outside Target	%
P1	30 days	15	12	3	80%
P2	90 days	66	24	45	36%
P3	42 days	89	47	42	53%
P4	42 days	8	7	1	88%

For P2 cases, 28 of the 45 cases out of target related to an ongoing investigation at Osborne Quarters, Netley and were concluded just 6 days out of target. For the remaining 17 cases, we had a number of investigations that required consultations with other departments, formal notices were served, appeals determined by the Planning Inspectorate and retrospective applications were to be submitted – all of which led to our investigations not meeting the 30 day target.

P3 – 22 of the 42 cases out of target were concluded within 1 month of the original target date. A review of the remaining 20 cases will be carried out by the Local Operations & Parking Manager.

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	15	14	1	93%
P2	10 working days	66	64	2	97%
P3	20 working days	89	69	20	78%

* 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 the second quarter of 2020/21, **8** formal Notices were served compared to **9** for the same quarter in 2019/20;

Enforcement Notice	-	0
Breach of Condition Notice	-	0
Stop/Temp Stop Notice	-	1
Planning Contravention Notice	-	3
Section 215 Notice	-	0
Section 330 Notice	-	2
Remedial Notice	-	2

8. LEGAL ACTION

8.1. There are currently **9** active Planning Enforcement cases with the Legal team;

- ✚ Brookfield Car Boot site, Allington Lane, Fair Oak – Enforcement Notice
- ✚ Land on corner of Peewit Hill and West End Road, Bursledon – Prosecution for non-compliance with Enforcement Notice
- ✚ Westwood, Botley Road, West End – Enforcement Notice
- ✚ Fairport House, Lands End Road, Bursledon – Enforcement Notice
- ✚ Melliah, Botley Road, Horton Heath – Enforcement Notice
- ✚ 28 Allbrook Knoll, Eastleigh – Enforcement Notice
- ✚ Little Acre, Allington Lane, Fair Oak – Prosecution for non-compliance with s330
- ✚ 213 Winchester Road, Chandlers Ford – Enforcement Notice
- ✚ 96 Bournemouth Road, Chandlers Ford – Direct Action

9. ENFORCEMENT APPEALS

9.1.1 enforcement appeal decision has been issued by the Planning Inspectorate, during this quarter.

APP/W1715/C/18/3218884 – 4 New Road, Netley

The appeal against ground c failed but ground a was successful and planning permission was granted for the single storey side extension.

NOTE:-

Ground A – That planning permission should be granted for what is alleged in the Notice.

Ground C – That there has not been a breach of planning control.

9.2.1 appeal has been validated by the Planning Inspectorate during this quarter;

- **33 Freegrunds Road, Hedge End** (*Remedial Notice relating to a high hedge*)

9.3. As of 31 October 2020 we have **3** appeals ongoing;

REF	LOCATION	NOTICE & BREACH	OFF	STATUS
E/15/15959	Little Hatts, BOT	EN – Unauthorised Operational Development (Metal framed building & Tree House)	PW	Public Inquiry set for May 2021
E/15/15959	Little Hatts, BOT	EN – Unauthorised Change of Use (Agricultural Use to mixed use of Agriculture, Equestrian, stationing of caravans and non-agricultural business use and storage)	PW	Public Inquiry set for May 2021

ENF/2019/382	33 Freegrounds Road, Hedge End	RN – High Hedge	PW	Awaiting start date
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10. PROSECUTIONS

10.1. There is 1 case that is currently at prosecution stage;

ENF/2018/319

Land at the corner of Peewit Hill and West End Road

Non-compliance with an Enforcement Notice relating to the siting of an unauthorised container

Status:- Case currently with the Legal team who are preparing a summons. Once served we await a start date from Southampton Magistrates Court

NAME: Phil Wiseman

DATE: 31 October 2020