

Eastleigh Borough Council
Specialist Services
Housing & Development

Planning Enforcement
Quarterly Report
(Quarter 3)

1 October – 31 December 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 October to 31 December 2020. It reports the third quarterly statistics contributing to the work undertaken in the financial year of 2019/20, as well as a comparison of other relevant statistical data.

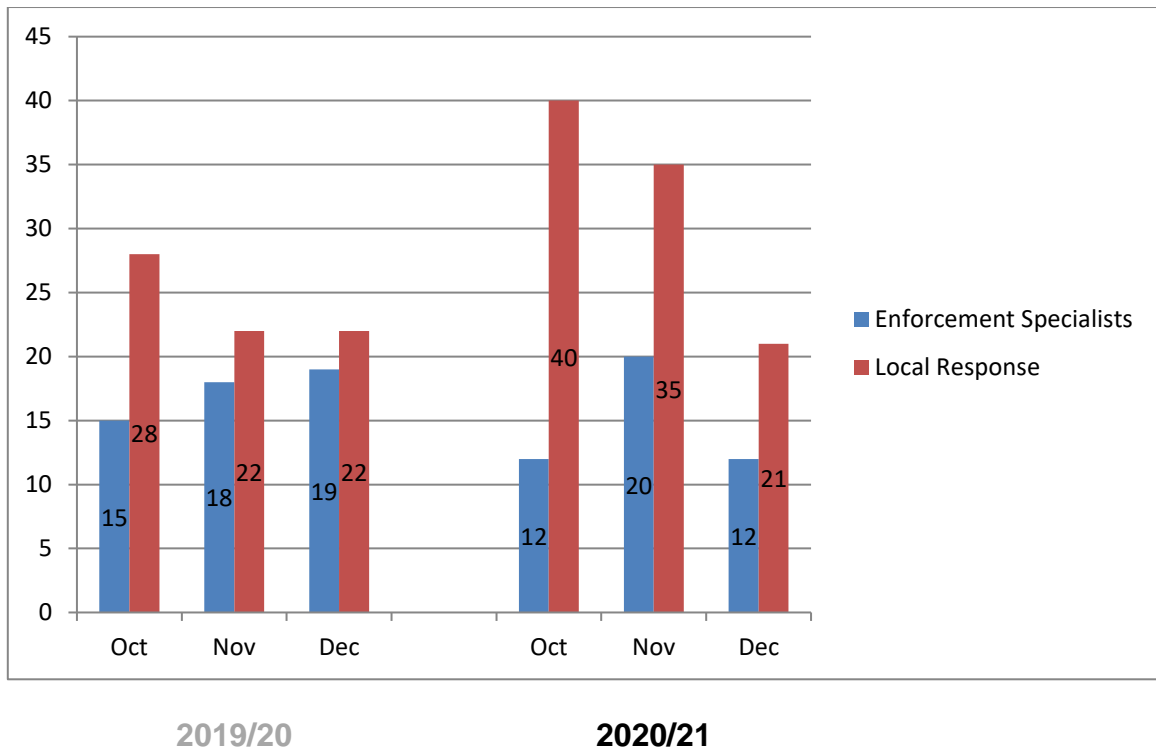
2. KEY POINTS

2.1. The key points taken from comparisons with the same period last year;

- New complaints received up 12% (+16 cases)
- Cases concluded up 39% (+42 cases)
- Cases in:
 - Allbrook **down 100%**
 - Bishopstoke **down 36%**
 - Botley **up 62%**
 - Bursledon **up 10%**
 - Chandlers Ford **up 28%**
 - Hamble **up 30%**
 - Hedge End **up 29%**
 - Hound **up 50%**
 - Eastleigh **up 35%**
 - Fair Oak and Horton Heath **up 45%**
 - West End **up 18%**
- Condition Monitoring cases closed **up 67%**.
- 13 retrospective applications received, an increase of 5
- **KPI's**
 - Concluded P1 **up 33%**
 - P2 **down 2%**
 - P3 **up 9%**
 - P4 **up 100%**
- Site Visits
 - P1 **up 16%**
 - P2 **down 2%**
 - P3 **up 6%**
- 4 formal Notices served, an increase of 1

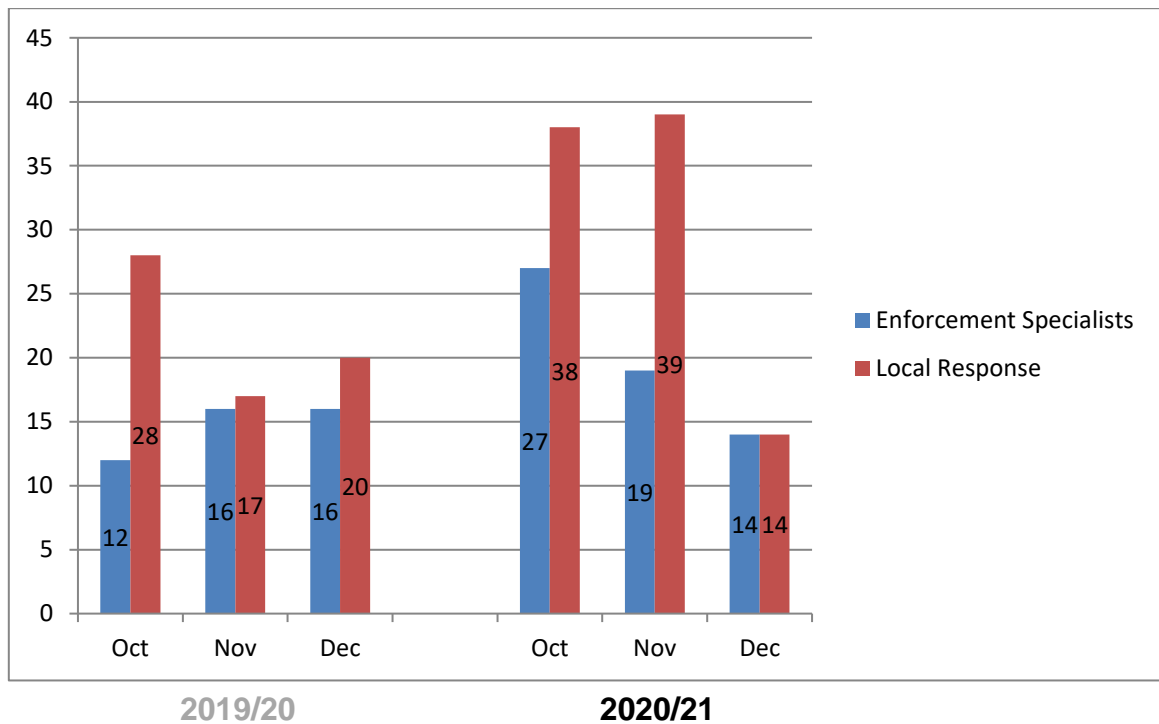
3. NUMBER OF NEW COMPLAINTS

3.1. 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 third quarter of 2020/21, a total of **140** new cases were registered in the Borough compared to **124** for the same period in 2019/20 – a **rise of 12%**. The distribution of these cases received across this period is illustrated in Figure 1 below and compares the data of the third quarter in 2019/20.



4. NUMBER OF CASES CLOSED

4.1. The Enforcement Specialists & Local Response team concluded **151** cases during the third quarter of 2020/21 compared to **109** in 2019/20 – a **rise of 39%**. This figure 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 third quarter of 2019/20.



4.2. The number of cases closed across the Parishes 1 October – 31 December 2020;

Parish	Apr - Jun	Jul - Sep	Oct - Dec	Total so far
Allbrook & North Boyatt Parish Council	1	2	0	3
Bishopstoke Parish Council	12	11	7	30
Botley Parish Council	2	8	13	23
Bursledon Parish Council	9	10	10	29
Chandlers Ford Parish Council	33	34	36	103
Hamble-Le-Rice Parish Council	5	3	10	18
Hedge End Town Council	18	14	14	46
Hound Parish Council	15	9	4	28
Eastleigh	19	8	20	47
Fair Oak & Horton Heath	18	14	20	52
West End Parish Council	19	11	17	47
Outside of Borough	0	0	0	0
TOTAL	151	124	151	426

4.3. 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	40%	No Breach	Development subject of the complaint or enquiry had; <ul style="list-style-type: none"> 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.
47	31%	Breach Resolved	The enquiry/complaint has been resolved
9	6%	Retro App Received	After consultation with the Planning team an application has been retrospectively invited and is being dealt with by the Planning department.
5	3%	Passed to Other Agency	Issue being investigated by other agency such as Environment Agency, Hampshire County Council etc.
25	16%	Not Expedient	Where a decision has been made that it would not be expedient to pursue formal enforcement action.

1	1%	Permission Granted	Planning permission had already been granted.
4	3%	Duplicate	The issue is already being dealt with under another Enforcement reference number.

Table 2: Cases closed during Quarter 3 – 2020/21

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

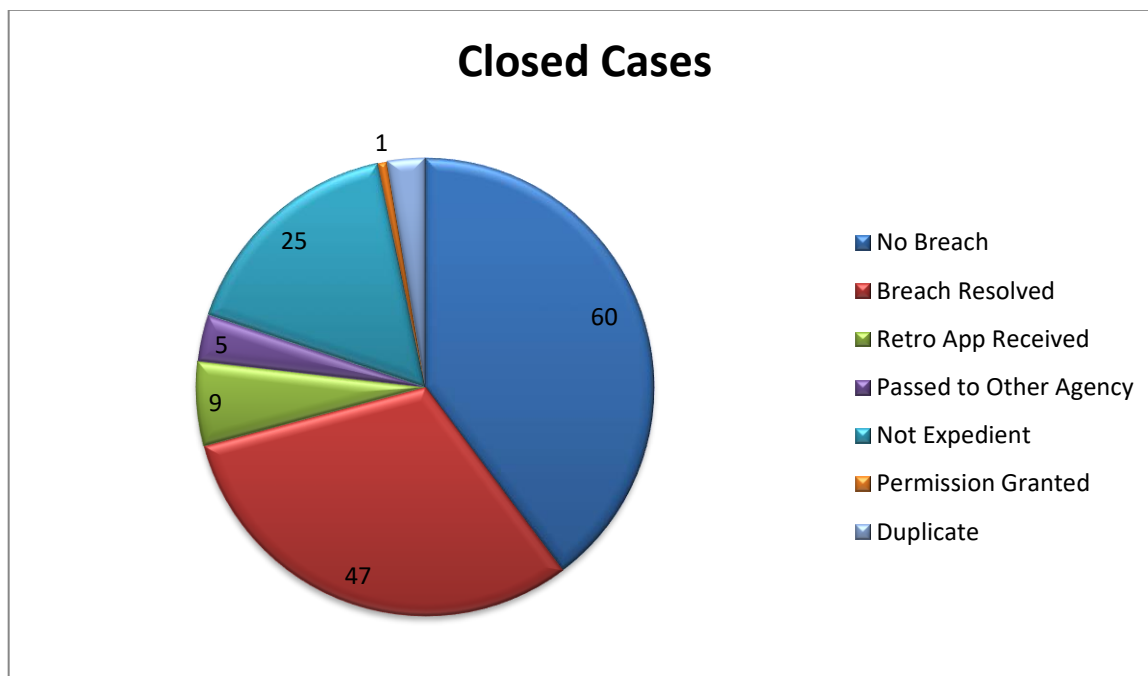


Figure 3: The conclusion of cases in the third quarter 1 October – 31 December 2020.

4.5. 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.

5. CONDITION MONITORING

5.1. Of the 109 cases closed, 3 of these were Condition Monitoring cases;

- E/16/16212 – The Summit, Church Road, Bishopstoke (**BIFOHH**)
- ENF/2017/127 – Land at Hatch Farm, North of Barbe Baker Avenue, West End (**HEWEB**)
- ENF/2020/385 – Fair Oak Lodge, Allington Lane, Fair Oak (**BIFOHH**)

5.2. 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.

6. RETROSPECTIVE APPLICATIONS

6.1. During the third quarter of 2020/21, **13** applications were registered as being retrospective or containing a retrospective element arising from an enforcement investigation. They related to a mix of outbuildings, change of use and addition of a first-floor window. Of these applications, **2** (15%) have been approved with the remaining **11** (85%) yet to be determined. These applications generated income of **£2910**. The running figure for 2020/21 is **£11,976**.

7. PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS

7.1. Eastleigh Borough Council has a number of Key Performance Indicators (KPI's) relating to Planning Enforcement.

7.2. 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	<i>30 days</i>	14	13	1	93%
P2	<i>90 days</i>	38	23	15	61%
P3	<i>42 days</i>	80	44	36	55%
P4	<i>42 days</i>	15	15	0	100%

For P2 cases, four cases were historic (more than 2 years old) and required formal action by way of a Breach of Condition Notice, an Enforcement Notice and a S215 Notice, four were landscaping breaches of new builds and four were concluded within 4 weeks of passing the target date.

P3 – 14 of the cases outside of the target date were concluded within the following month. The remaining figures are to be investigated by the Local Area Services Manager.

7.3. The third 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	<i>1 working day</i>	14	12	2	86%
P2	<i>10 working days</i>	38	29	9	76%
P3	<i>20 working days</i>	80	75	5	94%

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

8. FORMAL ACTION

8.1. During the third quarter of 2020/21, **4** formal Notices were served compared to **3** for the same quarter in 2019/20;

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

9. ENFORCEMENT APPEALS

9.1. There have been no appeals determined during this period.

9.2. **3** appeals have been validated by the Planning Inspectorate during this quarter;

- **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*)

9.3. As of 31 January 2021, 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	Awaiting start date
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	Awaiting start date
ENF/2019/382	33 Freegrounds Road, H/E	Remedial Notice served for high hedge	PW	Awaiting start date

10. PROSECUTIONS

10.1. A prosecution for non-compliance with an Enforcement Notice for a site in Bursledon is due to be heard at Southampton Magistrates Court on 22 February 2021.

11. TEAM MATTERS

11.1. Planning Enforcement Officer Chris Last left the organisation in December 2020. An internal advert was advertised but without any applicants so an advert will be advertised externally by the end of January 2021. The cases that Chris Last was working on have been reassigned to Phil Wiseman and John Saunders.

11.2. Both Phil Wiseman and John Saunders have recently attended an online training session on 'Evidence Gathering'. This included an overview of the necessary evidence required for a successful prosecution and guidance on the formal process.

NAME: PHIL WISEMAN

DATE: 31 January 2021