



# **Enforcement and Trees Team**

## **Quarterly Report**

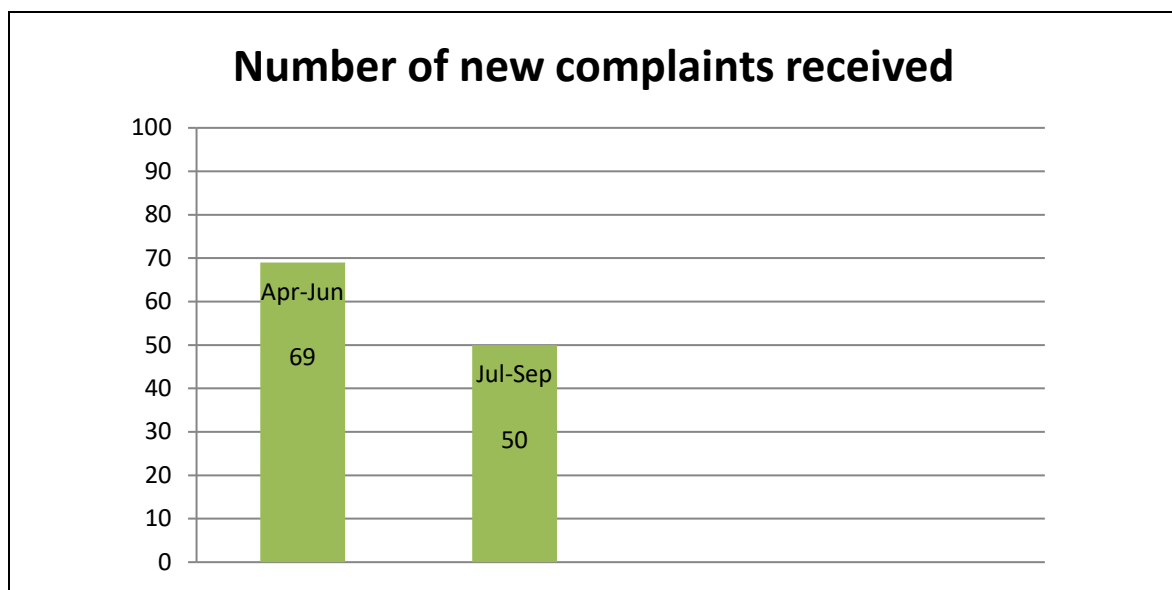
**July - September 2017**

## 1.0 Introduction

1.1 This report summarises the level of enforcement activity undertaken within the National Park for the period July – September 2017, the second quarter of the 2017-2018 year. The report also details the number of Tree Work Applications that have been submitted in the joint National Park and District Council areas as well as the number of Tree Preservation Orders that have been served.

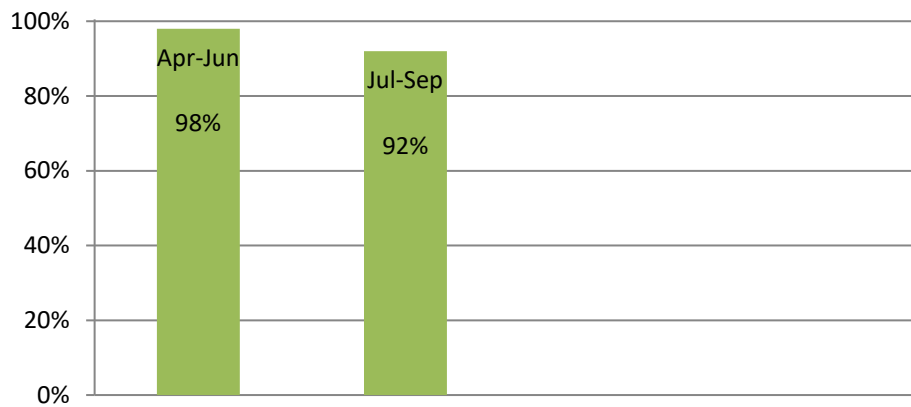
## 2.0 Number of New Enforcement Complaints

2.1 Much of our work is concerned with responding to reports about possible breaches of planning control. This quarter has seen 50 new cases reported. However, it should be remembered that we monitor compliance with planning conditions and have minerals and waste and agricultural occupancy programmes of work in order to monitor these sites. These proactive programmes of work involve the periodic monitoring of around 125 additional sites.

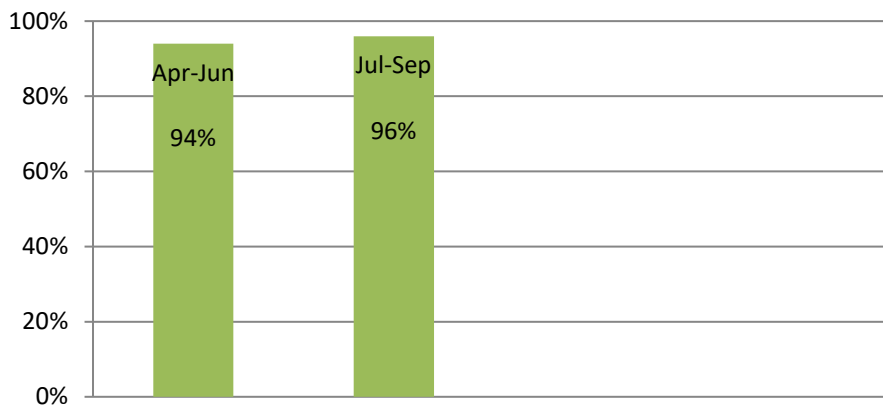


2.2 Two of our local key performance indicators are to acknowledge 90% of enforcement complaints within three working days and to carry out an initial enforcement investigation on 90% of all concerns raised within 15 working days of receipt. This quarter we have acknowledged 92% of all enforcement complaints within three working days and investigated 96% of all enforcement concerns received within 15 working days.

### **% complaints acknowledged within 3 working days**



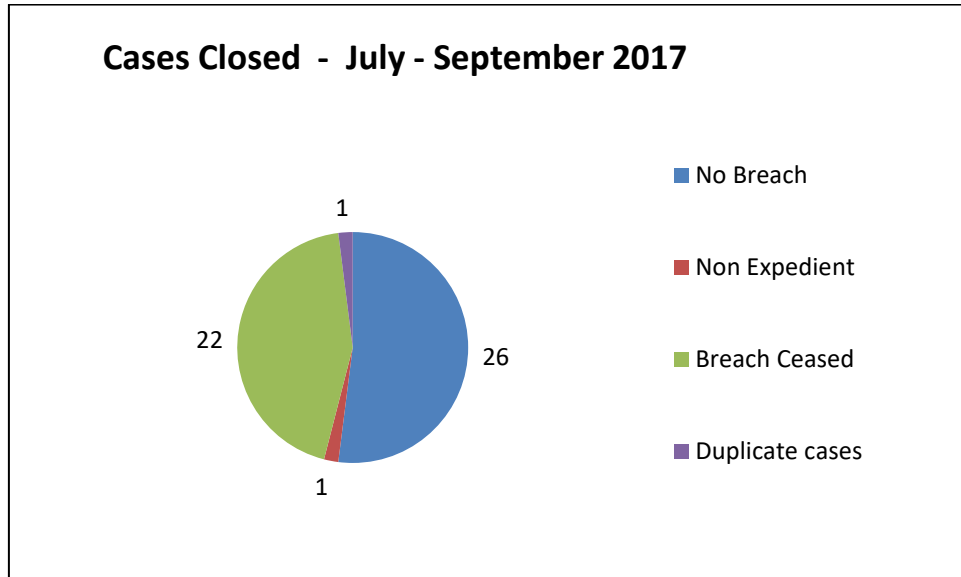
### **% cases investigated within 15 working days**



## **3.0 Number of Enforcement Cases Closed**

3.1 We have closed 50 cases during this quarter. Of these, 26 were closed as 'no breach of planning control', where it was found that the development either had the benefit of planning permission, fell within 'permitted development' tolerances or did not constitute 'development' within the meaning of the Town and Country Planning Act. The percentage of new concerns brought to our attention that were not breaches of planning control remains at around 50% of the concerns received for the year. All cases require investigation, and do take a considerable amount of time, which can delay proceeding with cases where breaches of planning control have occurred.

3.2 Twenty two cases were closed during this quarter as the identified breach of planning control had ceased, either as a result of the owner agreeing to remove or cease the unauthorised development, comply with an Enforcement Notice or as a result of retrospective planning permission having been granted.



#### 4.0 Enforcement Notices

4.1 This quarter we have served seven Enforcement Notices directed against an unauthorised outbuilding; a caravan and two unauthorised outbuildings; a fence in excess of 1m; creation of a motorbike track; an unauthorised conservatory; the change of use of agricultural land to residential garden, a swimming pool, wall, bund and landscaping; and unauthorised alterations and extensions to a barn.

4.2 We have also served:

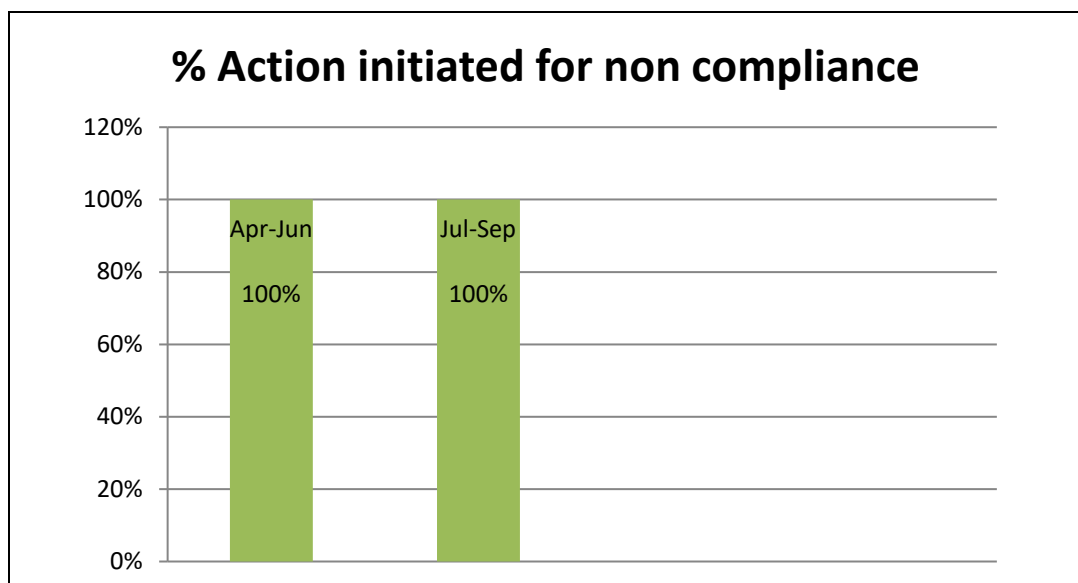
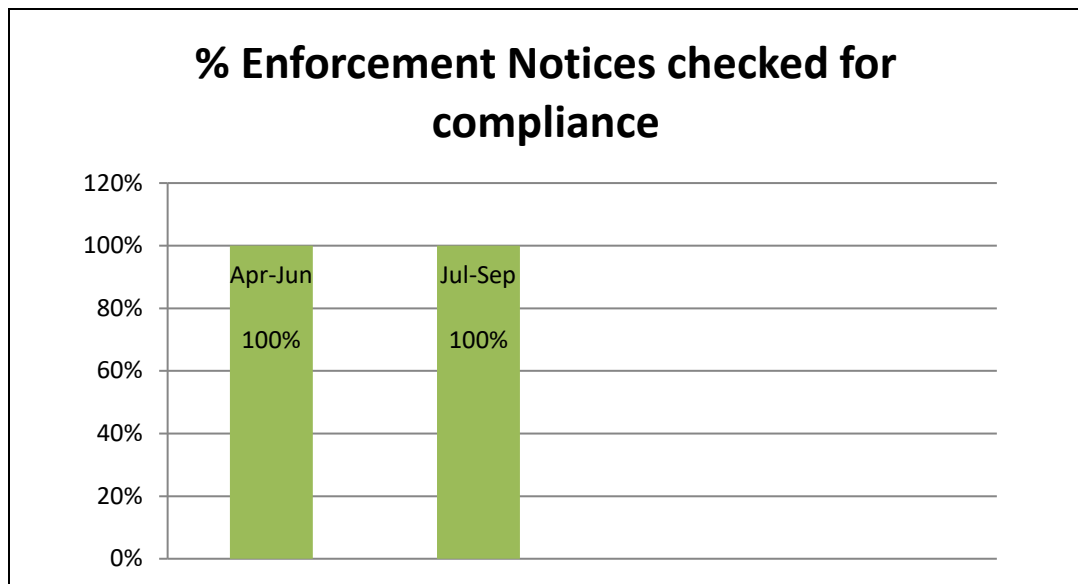
- One Temporary Stop Notice directed against the development and site clearance of a site in breach of planning controls.
- One Breach of Condition Notice directed against building works that were not as the approved plans.
- Two Untidy Site Notices - The first was for the removal of a caravan, two motor vehicles, a motorcycle and various non-agricultural items from agricultural land. The second was for the removal of floodlighting installed on agricultural land.

#### 5.0 Enforcement Notice Compliance

5.1 We have secured the resolution of three Enforcement Notices this quarter albeit for very different reasons. The first related to the removal of a residential mobile home from a site in Landford where the owner complied within the specified timeframe. The second arose as a result of the Authority taking direct action to clear a site to comply with an Enforcement

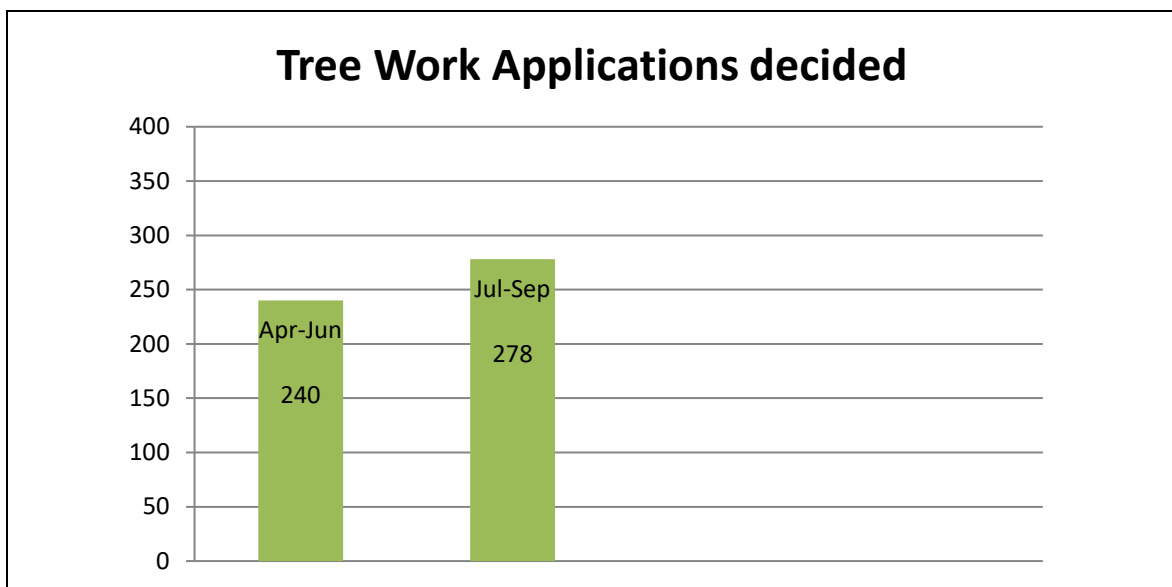
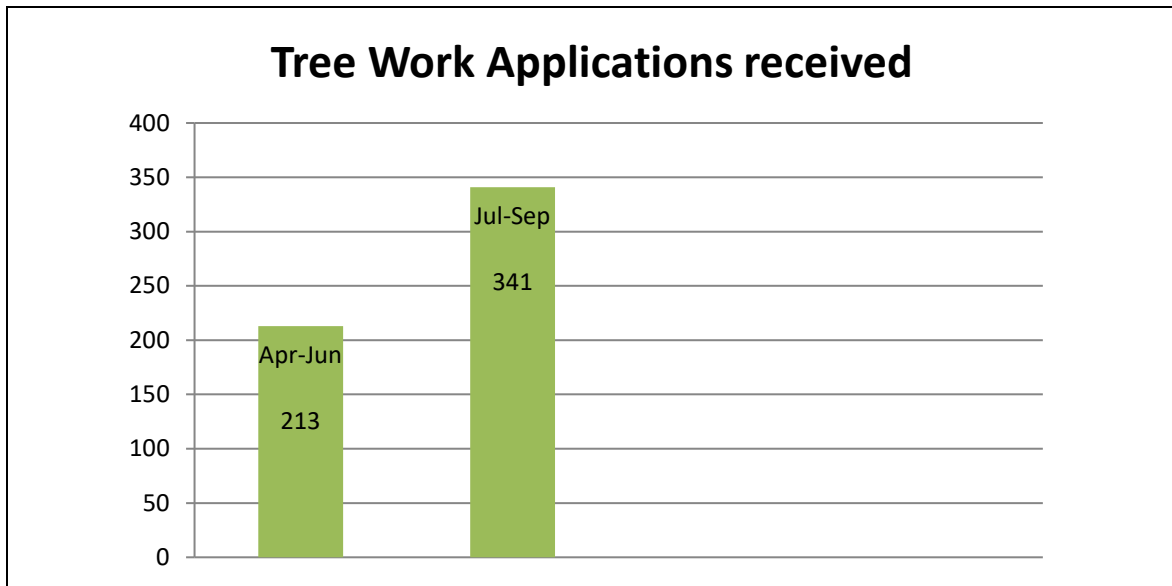
Notice (see also section 10.0). The final case relates to a gypsy/traveller site where a temporary planning permission was granted on appeal, following previous refusals and a High Court Injunction, to afford the owner a final chance to secure appropriate alternative accommodation in light of the particular family circumstances that prevailed. Whilst this was a disappointing outcome given the history of non-compliance, the circumstances were particularly unique and the planning harm is limited to the specified period following which compliance with an earlier Enforcement Notice should be delivered.

- 5.2 Our remaining local key performance indicators are to check compliance with 90% of Enforcement Notices within five working days of the compliance date and to initiate action within 15 working days in circumstances where there has been a failure to comply with an Enforcement Notice. During this quarter we have visited 100% of these sites and initiated action, where necessary, in 100% of cases in accordance with these timescales.



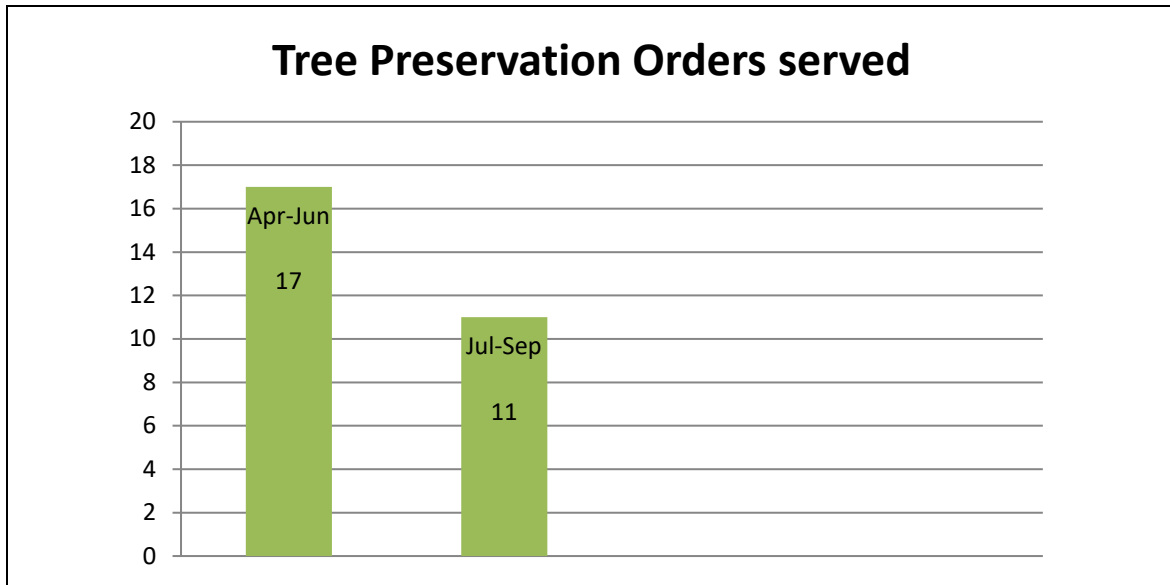
## 6.0 Tree Work Applications

- 6.1 During the quarter the Team received 341 Tree Work Applications relating to various works to trees both within Conservation Areas and the subject of Tree Preservation Orders.
- 6.2 The Team issued 278 Tree Work Decisions, 99% within the target deadline.



## 7.0 Tree Preservation Orders

- 7.1 During the quarter the team served 11 Tree Preservation Orders in order to protect trees that were considered to be under threat and worthy of protection.



## 8.0 Retrospective Planning Applications

- 8.1 We have registered 13 planning applications during this quarter and the planning fees generated were £2,985. These planning applications were in respect of the retention of an agricultural building, works within the curtilage of a dwelling, a field shelter, areas of hardstanding, decking, an outbuilding, relocated access, portacabin as well as applications for lawfulness for a dwelling, a garden extension and a breach of condition.
- 8.2 During the quarter we have determined 15 applications of which 6 were refused and 4 have already been made the subject of Enforcement Notices. It must be noted that applications are only invited if developments are likely to be considered acceptable, hence there is usually a high approval rate. However, during the last quarter there were a number of applications for lawfulness that were not proven hence the enforcement action that has been taken as a consequence.

## 9.0 Enforcement Appeals

- 9.1 There are currently three enforcement appeals awaiting a decision from the Planning Inspectorate.
- 9.2 We have received one appeal decision this quarter. The appeal related to the material change of use of land, namely a scaffolding and contractors yard with the stationing of portacabins, containers and a caravan as well as general open storage plus the erection of a structure and fencing. The Enforcement Notice was upheld and they have been given four months to clear the site.

## **10.0 Direct and Legal Action**

- 10.1 We are currently in the process of listing further applications at the Magistrates' Court for prosecution; the details of which will be provided in the next report. We also took steps to clear a site on the outskirts of Ringwood in accordance with the authorisation of our Members from July's Planning Committee. Whilst there is a detailed planning history to the site since 2015 when enforcement action was taken, our action again demonstrates that where an owner or occupier fails to comply with reasonable planning requirements we will take the necessary action which in this case was to clear agricultural land of two caravans and various items of paraphernalia as well as the demolition of a building. The owner is now responsible for reimbursing the Authority the full costs of the action and steps will be taken to recover this if payment is not forthcoming.