



Horsham
District
Council

ANNUAL MEETING OF HORSHAM DISTRICT COUNCIL AND HORSHAM ASSOCIATION OF LOCAL COUNCILS

Thursday 14th November 2019



Horsham
District
Council

HDC PLANNING ENFORCEMENT INFORMATION SESSION

Mrs Barbara Childs, Director of Place

Mrs Madeleine Hartley, Planning Compliance Team Leader

Local Enforcement Plan

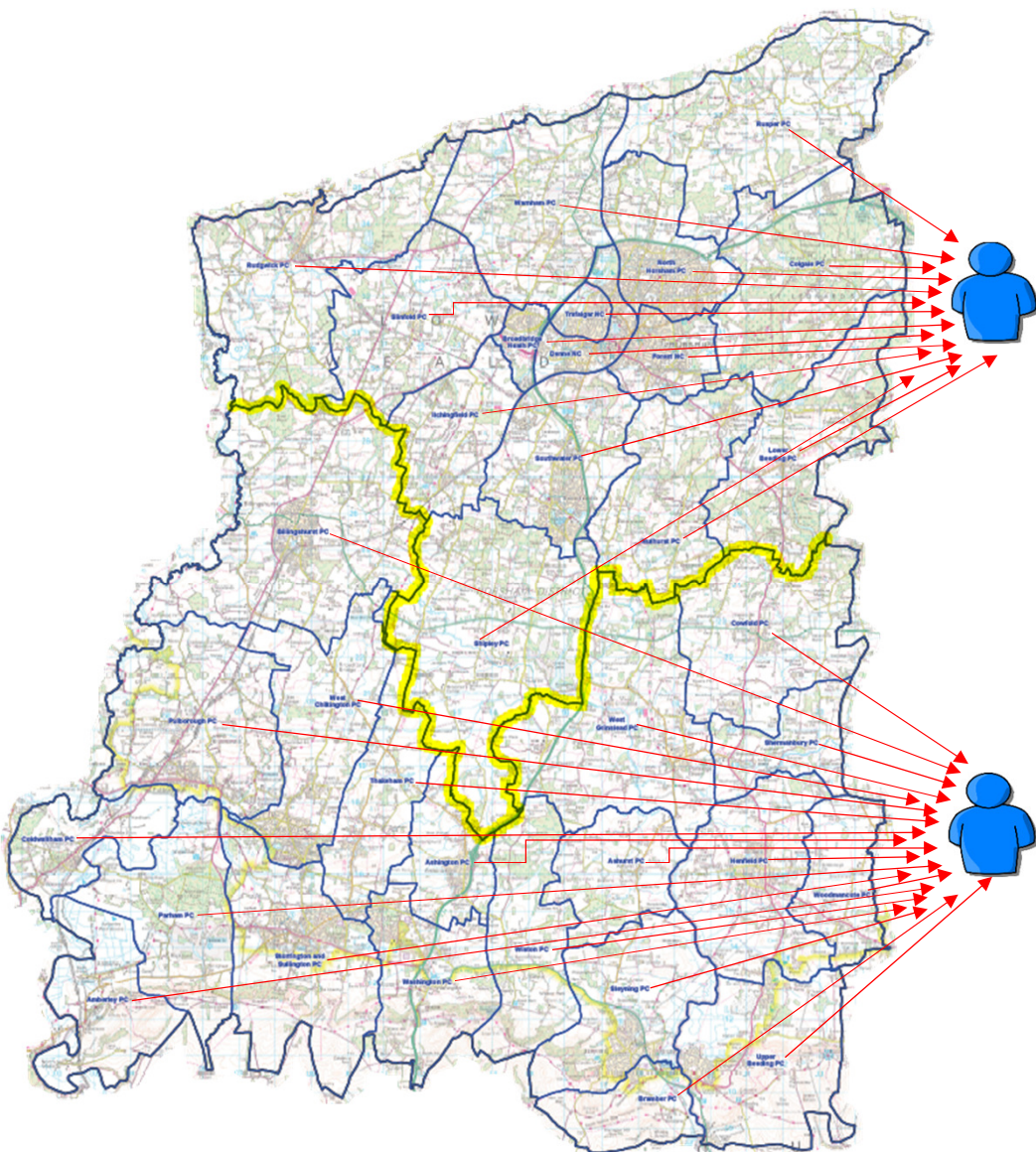
March 2016



https://beta.horsham.gov.uk/__data/assets/pdf_file/0014/63410/Local_Enforcement_Plan.pdf

Meet the Team

Madeleine Hartley	Planning Compliance Team Leader
Helen Sissons	Principal Planning Compliance Officer (currently on maternity leave)
Reg Hawks	Principal Planning Compliance Officer (Temp)
Rob Leet	Planning Compliance Officer (north)
Jo Hopkins	Planning Compliance Officer (south)
Suzanne Shaw	Planning Obligations Officer
Charlotte Grant	Planning Assistant (Monitoring)
Shazia Penne	Compliance Support Officer



Area North (12 Parish Councils, 3 Neighbourhood Councils)

Rob Leet – 01403 215167 (rob.leet@horsham.gov.uk)

- 2018 – 294 cases
- 2019 to date – 277 cases

Area South (20 Parish Councils)

Jo Hopkins – 01403 215516 (jo.hopkins@horsham.gov.uk)

- 2018 – 300 cases (HDC)
26 cases (SDNP)
- 2019 to date – 277 cases (HDC)
17 cases (SDNP)

What do we do?



- We investigate alleged breaches of planning control, and resolve them by using the most appropriate means of action.
 - A breach of planning control is defined in the Town and Country Planning Act 1990 as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.
 - Examples of breaches of planning control are wide-ranging, and include matters such as unauthorised works to a listed building; the display of a sign or advertisement without first obtaining advertisement consent; failure to properly maintain land so that it affects the amenity of the area; the unauthorised felling or carrying out of works to a tree which is protected by a Tree Preservation Order or which is within a Conservation Area; as well as more straight forward cases such as extending a residential property without first obtaining planning permission.
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What is not a breach of planning control?



- The Council cannot get involved in issues that are between two private parties, as those are considered to be civil matters- for instance a neighbour dispute over a boundary;
 - Internal works to a non-listed building;
 - Matters controlled by other legislation such as Building Regulations/ public nuisance/ Highways/ or the Environment Agency
 - On street parking of commercial vehicles in residential areas;
 - Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling;
 - Operating a business from home where the residential use remains the primary use;
 - Deeds and covenants are a private matter between the signatories to the documents
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Investigation priorities

Due to the very diverse nature of, and the high number of complaints received, a priority system is necessary to ensure that those matters which require urgent investigation, are given the highest priority. Overall the target time for the first visit to be undertaken is 15 working days

Priority 1 Immediate Investigation

- Unauthorised works (demolition), in respect of Listed Buildings, and protected trees (TPO's) including trees in conservation areas and removal of landscape features, protected by a condition.
- Unauthorised tipping operations, Travellers and Gypsies on Council held land
- Removal of Hedgerow (Hedgerow Regulations 1997)

Priority 2 investigation within 2 working days

- Buildings not being constructed in accordance with approved plans
- Certain breaches of conditions of a planning permission e.g. wheel washing, and materials (where a building is under construction),
- Accesses onto classified roads

Investigation priorities cont'd

Priority 3 investigation within 7 working days

- Certain breaches of conditions of a planning permission, e.g. hours of work, parking provision and access requirements.
- Unauthorised erection of buildings or works to land
- Unauthorised changes of use, which are considered to be materially harmful to local residents.
- Unauthorised residential use of mobile homes

Priority 4 investigation within 15 working days

- All others including:
- Other changes of use including businesses being operated from residential properties
- Advertisements
- Floodlighting, and the erection of satellite dishes
- Any other breaches of conditions of a planning permission

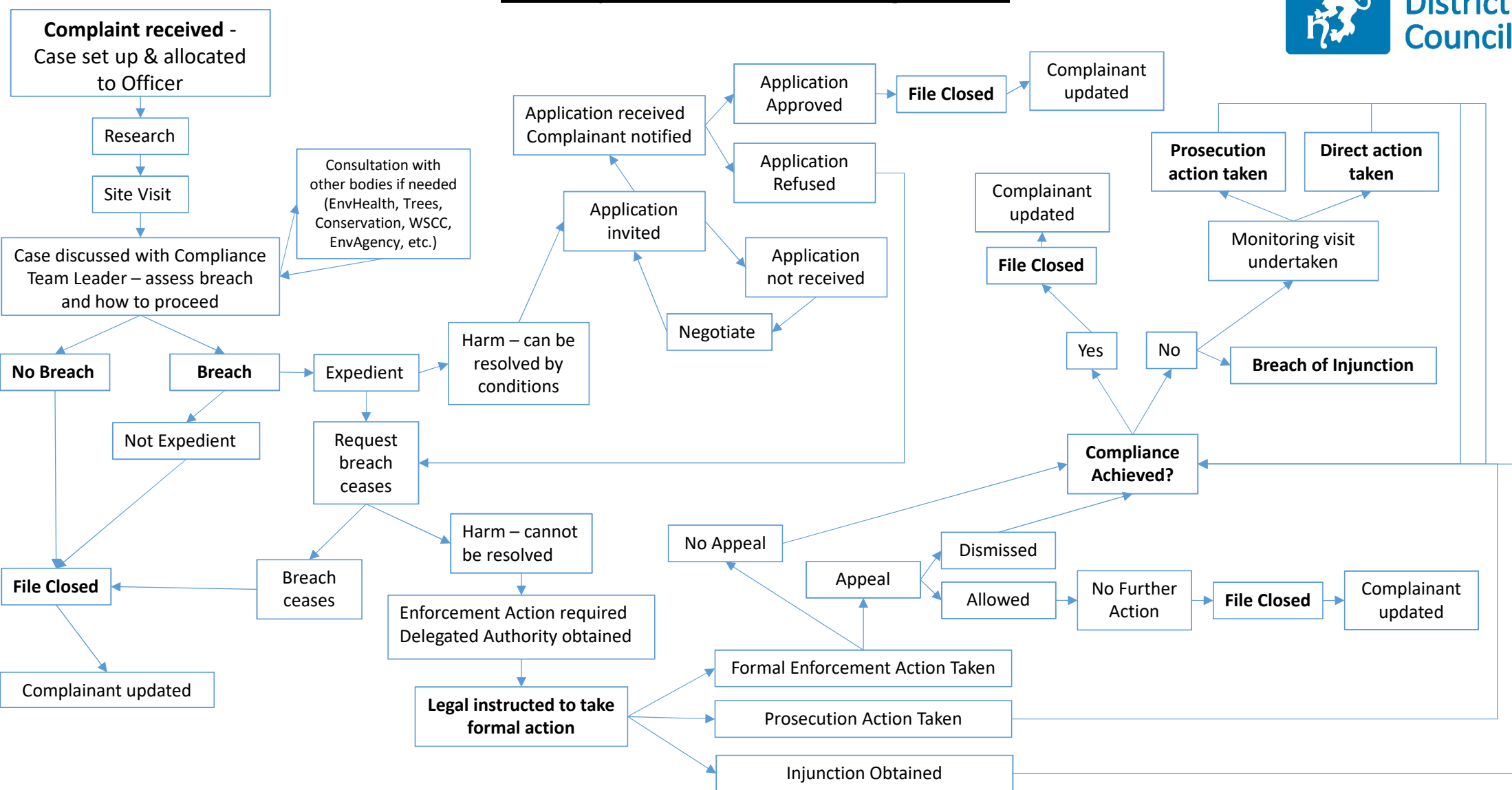
Tools available to us.....



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- **Enforcement Notice/Listed Building Enforcement Notice** – this is the principal tool to remedy a breach of planning control. It will specify what the alleged breach is, the steps that must be taken to remedy it, and a time period in which to carry out those steps- the recipient of the Notice has a right of appeal to the Planning Inspectorate, which suspends the requirements of the Notice until the appeal is determined.
 - **Breach of Condition Notice** – available in the event of non-compliance with a condition attached to a planning permission, and can require full or part compliance with the relevant conditions.
 - **Stop Notice** – when considered expedient to do so, the Council can serve a Stop Notice requiring activities to cease immediately.
 - **Temporary Stop Notice** – it is effective immediately and does not require the prior service of an enforcement notice.
 - **Untidy Land (s.215) Notice** – where the condition of buildings or land causes serious harm to the amenity of an area
 - **Court Injunction** – Although they are rarely used, legal powers are available for the Council to apply to the High Court or the County Court for an injunction to stop an actual or alleged breach of planning control.
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Compliance Investigation



Compliance investigations in practice

- Case Study 1- Ewhurst Manor- Grade 2 listed building and Scheduled Ancient Monument- unauthorised works to the building which involved gutting the interior, removing walls, ceilings and floors. This was first reported to the Council in November 2014. An injunction was obtained in the High Court to prevent further works from taking place; meanwhile a criminal investigation was instigated alongside Historic England, which resulted in a high profile prosecution case in October 2018 in Brighton Magistrates Court. The defendant pleaded guilty to the two offences (namely unauthorised works to a Listed Building and a Scheduled Ancient Monument). A fine of £18,000 for the works to the Listed Building and £5,000 for the works to the Scheduled Ancient Monument. In addition, she awarded a total of £60,592.48 in costs to the Council and Historic England.

Compliance investigations in practice

- Case Study 2- Land in Guildford Road, Rudgwick- this case involves agricultural land, where the landowner is living on site in a caravan. An enforcement notice has been issued giving an 8 month compliance period to cease the residential use of the land and remove the caravan- in this case the Human Rights of the individual had to be taken account of, as he will be made homeless as a result of the enforcement action, therefore the investigation has included the involvement of the Council's housing department. There are also concerns around his mental health, therefore a safeguarding referral has been made, and in addition he has made physical threats to Council staff .

Number of cases leading to formal action

	Enforcement Notice	Breach of Condition Notice	Temporary Stop Notice	Stop Notice	Untidy site (s215 Notice)	Prosecution	Court Injunction
2015	10	1	0	0	0	0	0
2016	15	2	2	1	1	0	1
2017	16	0	0	0	1	0	0
2018	11	1	3	0	0	1	0
2019 (so far)	10	1	2	0	1	2	0

Appeals resulting from formal action

	Number of appeals submitted	Appeal dismissed	Appeal allowed	Decision pending
2015	2	0	0	0
2016	7	7	0	0
2017	5	5	0	0
2018	11	5	3	3
2019	5	0	0	5

- The Planning Inspectorate is currently taking over one year to determine enforcement notice appeals, depending upon the type of appeal

<https://www.gov.uk/guidance/appeals-average-timescales-for-arranging-inquiries-and-hearings#householder-including-advertisement-consent-and-other-minor-commercial-appeals>

Outcome of investigations in 2018

Month	Complaints closed	No breach	Breach ceased	Planning application received	Not expedient
January	52	20	16	15	1
February	63	27	10	17	9
March	41	18	10	11	2
April	53	21	11	10	11
May	45	17	11	8	9
June	50	21	10	6	16
July	50	21	9	9	11
August	37	11	13	8	5
September	42	12	14	9	7
October	65	22	12	17	14
November	44	7	11	19	7
December	19	6	2	8	3
TOTAL	564	203	129	137*	95

* Planning application fee income from retrospective applications in 2018 = £40,886

Outcome of investigations in 2019 (so far)

Month	Complaints closed	No breach	Breach ceased	Planning application received	Not expedient
January	41	9	12	9	11
February	35	7	8	14	6
March	33	13	6	9	5
April	30	17	7	5	1
May	32	16	7	7	2
June	72	33	15	15	9
July	86	33	30	15	8
August	79	32	13	14	20
September	45	19	10	10	6
October	88	46	22	13	7
November	17	3	7	7	0
TOTAL	558	228	137	118*	75

* Planning application fee income from retrospective applications in 2019 (so far)= £47,806

How Parish Councils can get involved

- The Team receives complaints from members of the Public, Parish Councils, colleagues, and from Councillors either in person at the Council offices, on the telephone, by email (planning.compliance@horsham.gov.uk) or by using the online form on the Council's website:

[https://ebusiness.horsham.gov.uk/outreach/PLN ComplianceComplaint.ofml](https://ebusiness.horsham.gov.uk/outreach/PLN_ComplianceComplaint.ofml)

- Parish Councils can get involved by acting on behalf of residents, or their own behalf

Use of conditions on planning permissions

- Section 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable; (a condition should not be imposed if it cannot be enforced. The main reason for unenforceability is because infringement may be impossible to detect)
- precise; and
- reasonable in all other respects.

Case Study- Untidy site

Before prosecution



After Prosecution



Case Study- unauthorised operational development

This involved a residential property where a condition was applied to the original planning permission in 1974 which does not allow for a fence or structure to be erected forward of the property without planning permission ie. the housing estate is an "open plan" estate. Rather than apply for planning permission, the owner opted to remove the fence that he had erected and return the land to its former condition, and grass the land once again, to the satisfaction of the Council.



Case Study- off airport car parking

Before



After



Case Study- unauthorised caravan in layby

Before



After



Case Study- Unauthorised fences/gates

Before



After



Case Study- Unauthorised fences

Before



After



Case Study- unauthorised fences/gates

Before



After



Local Plan timetable



**Horsham
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Timetable	
Evidence gathering and early community and stakeholder engagement	January 2017– January 2020
Regulation 18 Consultation periods	April – May 2018 <u>February / March 2020</u>
Preparation of Regulation 19 (Submission documentation)	April 2020 – August 2020
Proposed Submission and period of representation	Sept - Oct 2020
Submission to Secretary of State	January 2021
Examination Hearings	March – April 2021
Proposed Main Modifications Consultation	Summer 2021 if required
Additional Examination Hearing	Summer / Autumn 2021 if required
Inspectors Report	November 2021
Adoption and Publication	December 2021



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HDC Corporate Plan

Mr Glen Chipp, Chief Executive



Horsham
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Environment and Green Issues

Cllr Jonathan Chowen, Deputy Leader and Cabinet Member for Leisure & Culture



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WILDER HORSHAM DISTRICT

- HALC – 14 November 2019

Proposal



- ❖ Partnership with the Sussex Wildlife Trust
- ❖ 5 year programme; Wilder Horsham District
- ❖ HDC – finance and officer time
- ❖ SWT - expertise and in-kind contribution

Aims



- ❖ Help wildlife thrive across the Horsham District;
- ❖ Create networks of land that is protected and enhanced for wildlife, to allow habitats to expand and for species populations to increase which will ensure that they are resilient to change;
- ❖ Increase awareness of actions that communities (work with groups that already exist and their volunteers) can take to improve their local natural environment and the benefits that wildlife provides;
- ❖ Maximise the opportunities from protecting and enhancing wildlife to tackling climate change and to reduce the impacts of a changing climate.

Why take action?

- **National picture**

- 15% of wildlife species are under threat of extinction
- Since the 1970's the populations of 41% of UK species have reduced.

- **Sussex**



Why take action

- - ❖ Pollination
 - ❖ Filters pollutants from the air and water
 - ❖ Creates soil
 - ❖ Captures carbon
 - ❖ Provides products
 - ❖ Reduces flood risk
 - ❖ Health and wellbeing
 - ❖ Sense of place



Actions

- ❖ Protection  ENHANCEMENT
- ❖ Landscape approach
- ❖ Key wildlife assets
- ❖ Nature Recovery Networks
- ❖ More diverse and more complex



Implementation



- ❖ Council services and policies
- ❖ Planning – Local Plan Review
- ❖ Council land
- ❖ Landowners – Landscape Officer
- ❖ Parish Council's, community groups and volunteers -
Community Support Officer (part-time post) & HDC

Tree replacement



Costs

A Wilder Horsham District			
Contributor	Activity	Annual cost	Total cost
Sussex Wildlife Trust	Training, events, advice to Strategic Planning & community groups etc. (years 1 to 5)		£16,125
Sussex Wildlife Trust	Cost recovery for hosting the two new posts	£22,380	£111,900
	SWT Total		£128,025
HDC	Landscape Advisory post (full time) Salary and overheads	£42k	£210,000
HDC	Community Support post (part time) Salary and overheads	£11k	£55,000
HDC	Implementation funding	£30k	£150,000
	Events (year 1 & 5)		£6,000
	WHD Sub-total		£421,000
Associated environmental project			
HDC	Funding for replacement trees	£30k	£150,000
	HDC Total		£571,000

Recommendations to Cabinet



- i. To approve the formation of a partnership with the Sussex Wildlife Trust.
 - ii. To approve the partnership document and endorse its aims and actions.
 - iii. To approve the creation of a full time Landscape Officer post to work with HDC on out sites, our planner and landowners.
 - iv. A part-time Community Support Office post to work directly with parish councils and other community groups.
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- i. To approve the creation of an implementation fund to support the programme, commencing in 2020/21.
 - ii. To approve the creation of a tree replacement fund, commencing in 2020/21.

Questions

