

Development Management Enforcement Sub-Committee

Date and Time: Monday 21 October 2024 at 10.00 am

Place: Council Chamber

Present:

Southern (Chair), Quarterman (Vice-Chair) and Worlock

In attendance:

Officers:

Mark Jaggard, Executive Director - Place

Mark Berry, Business Development Manager - Place

Louise Moore, Planning Enforcement Team Leader

Kathy Long, Committee Services Officer

Sylvia O'Connor, Enforcement Officer

8 Minutes of Previous Meeting

The minutes of the Development Management (Enforcement) Sub-Committee held on 29 July 2024 were agreed as a correct record of the proceedings.

9 Apologies for Absence

Apologies for absence had been received from Cllr Makepeace-Browne.

10 Declarations of Interest

Cllr Quarterman declared a non-prejudicial interest in the item in respect of the SANG at Moulsham Lane, Yateley for the reason that he lived close to the site and remained in the meeting during the discussion on this item.

11 Chair's Announcements

There were no announcements.

12 Development Management Enforcement Update

The Planning Enforcement Team Leader introduced the report and highlighted that in the last quarter (July – September):

- 60 service requests to investigate potential breaches of planning control had been received,
- 4 Planning Contravention Notices (PCNs) had been issued, and
- 160 cases had been closed.

At the end of the quarter there were:

- 160 live cases,
- 41 cases where notices had been issued, and
- 4 live appeals relating to enforcement notices.

The Planning Enforcement Team Leader gave updates on a range of cases, as set out in the Appendix to the Committee report:

Land South of Beechcroft, Hares Farm, Pickaxe Lane, South Warnborough
An injunction hearing at High Court had been set for mid-November 2024, and a hearing date for the planning enforcement notice appeal had been set for late November.

Chapel Bungalow, Potbidge

The investigations by the Planning Enforcement team and Environmental Health team were ongoing. A Planning Contravention Notice had been served and a response received. The Environmental Health team had served a similar notice and were awaiting the response to this before having a case review, which was now imminent.

Big Meadow/Wingate Lane, Long Sutton

The developer had gone into receivership and the Receiver was now dealing with the site. There was a current application to vary the terms of the S106 legal agreement to be relieved of the S106 obligation to pay the affordable homes financial contribution. A financial viability appraisal had been submitted setting out the developer's case as to why the development could not cover all of the costs and meet the requirements of the Receiver. Officers were assessing the detail contained within the application with external independent viability advice.

It was noted that there were two properties still to be sold and that the responsibility for building control matters had been handed back to the Council from the Approved Inspector.

Land at Five Acres, Broad Oak, Odiham

The enforcement notice had required the removal of the caravan by the end of 2023. The caravan was still sited on the land. An update had been sought from the owners as to whether the caravan had been sold. Also requested was evidence of efforts to advertise and sell the caravan so it could be included in a report to Shared Legal Services.

Land to the north of London Road, Hook

It was noted that the application to allow the replacement of the hoggin path with a boardwalk path had been refused. The decision had not been appealed. The Planning Enforcement team were considering the most appropriate action.

Swallow Cottage, Rye Common, Odiham

Retrospective planning application (22/02473/FUL) (for the erection of stable block and siting of horse walker with associated access drive and hardstanding) had been refused and the subsequent planning appeal dismissed.

The Enforcement team was considering the next steps.

2 Castle Bridge Cottages, North Warnborough

The Planning Enforcement Sub-Committee had considered a range of matters relating to a number of listed buildings at Castle Bridge Cottages in June 2023.

In relation to 2 Castle Bridge Cottages, Members had been advised that there were two uPVC windows on the ground floor which had been installed without listed building consent.

In June 2023, Members were of the opinion that the windows should be replaced but considered that the current owner should be given a longer than average amount of time to undertake the works. Officers were tasked with communicating with the owner and Shared Legal Services to find the best way forward.

The Development Management Enforcement Sub-Committee was advised that various options had been explored with the owner. It had been concluded with the owner that a planning enforcement notice should be served with a 3-year period for compliance. The Sub-Committee supported this approach.

SANG (Sites of Accessible Natural Greenspace) at Moulsham Meadows, Forest Park, Yateley

The Sub-Committee noted that the state of the SANG had improved. Officers were due to undertake a final check in November 2024 when it was hoped that all matters would have been resolved.

Hatchwood Place (De Montford Place), Odiham

There were still some snagging issues with the landscaping. There was better dialogue with the developer, Hart District Council and the Parish Council.

The Council's Countryside team had also been working with the Parish Council on potential future maintenance costs.

Land north of Winchfield Court

An enforcement notice had been served in March 2024, which had subsequently been appealed. The appeal decision was awaited.

Granary Court, South Warnborough

An enforcement notice had been issued in September 2023 relating to the carrying out of engineering operations to form a means of vehicular access onto a classified road (B3349), comprising the re-grading of the bank and laying of a new hard surfaced area. The enforcement notice had been appealed and the appeal decision was awaited.

21 Elvetham Bridge, Fleet

A lawful development certificate application had been received in relation to the stationing of three mobile homes, claiming that they had been stationed on the land for ten years (24/01310/LDC). The application was due to be determined by 5 November 2024.

Hawley Park Farm, Blackwater

The Enforcement Sub Committee had considered a range of matters relating to the site since October 2022.

The fencing along Fernhill Lane was complete and some additional boundary planting was due to be carried out within the next couple of weeks.

Bungalow Farm, Derby Green

Matters had initially been raised with the Council about the removal of a hedgerow, removal of a large oak tree(s) and a culvert being covered/filled in. The Council had liaised with Hampshire County Council and Thames Water on these matters.

From a planning perspective, the clearing of the land, removal of the hedgerow and tree and erection of a fence were not a breach of planning control. Members were advised that this was no longer an active case, so the case would be closed.

Paynes Cottage, Potbridge

Members asked about the current position on the Paynes Cottage site. An enforcement notice had been served, which had been appealed. The appeal decision had been received on 10 January 2024. The appeal had been dismissed, and the enforcement notice upheld, however the compliance period had been amended to 12 months (ie 10 January 2025).

The Sub-Committee noted the updates on planning enforcement and asked that the Sub-Committee be updated before the next meeting on proposed actions concerning:

- Chapel Bungalow, Potbridge Road
- Big Meadow/Wingate Lane, Long Sutton
- Land at Five Acres, Broad Oak, Odiham
- Land to the North of London Road, Hook.

The meeting closed at 10.45 am