

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The two cases that were identified as being closed within the report to the Planning Committee meeting on the 22nd April 2014 last has been removed from the agenda. Two cases have been added since the previous report. Details of each case, and the progress made within the last Quarter, and the target for the next Quarter are contained within the attached Appendix.

A report on one of an open case where enforcement action has been authorised which contains information that is considered to be exempt by reason of the provisions of paragraphs 6 and 7 of Schedule 12A of the Local Government Act 1972, as amended, is provided separately.

RECOMMENDATION

That the information be received.

APPENDIX

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
12/00193/207 C2	<p>19 Biddulph Road, Harriseahead, ST7 4LB</p> <p>Unauthorised extension of residential curtilage and erection of summerhouse/ garden shed</p>	26.02.2013	<p>The breach of planning control was identified by Officers following an enquiry from a prospective purchaser of 19 Biddulph Road. Site inspections confirmed that land to the rear of the properties had been enclosed and utilised as residential gardens without the benefit of planning permission. Officers advised that the submission of an application would be unlikely to be supported.</p> <p>Planning permission was applied for retrospectively under application 12/00780/COU for the change of use of agricultural land to garden land at 17 and 19 Biddulph Road. The application was refused. Officers wrote to the applicants on 26th February 2013 to seek a resolution on site and timetable for compliance prior to the service of any notice. At a member's request the matter was reported to Planning Committee on 26th March 2013 The Committee resolved to invite a new application for the change of use of the land to be submitted within 6 weeks.</p> <p>A joint application for 17 and 19 Biddulph Road was refused at the Planning Committee meeting on the 4th June on the grounds that the authority did not consider, in respect of the garden of 19 Biddulph Road, that the required very special circumstances existed that clearly outweigh the harm to the Green Belt and the landscaped. Additionally it was resolved that the Head of Legal Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council appropriate action and proceedings.</p> <p>An enforcement notice, dated 6th September, was served which was due to take effect on 16th October. An appeal was been lodged and Planning Inspectorate has confirmed that it was to be considered at a Public Inquiry on 3rd June. On 23rd May notification was received that the appeal had been withdrawn and as such the notice took effect on that day. The three month compliance period expires on 23rd August.</p>	Site inspection to establish that the notice has been complied with

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09/00230/207 C3	Newcastle Auto Centre Albany Road Newcastle Under Lyme	10/12/2013	<p>Investigations have established that an unauthorised extension has taken place at the premises resulting in the loss of parking spaces which were required to be retained by condition of planning permission (06/00616/FUL). A retrospective application was invited on more than one occasion and whilst indications suggested that such an application would be submitted it was never received. Following consultation with the Highway Authority who raised highway safety concerns it was concluded that it was expedient to take enforcement action.</p> <p>An enforcement notice was issued, dated 11th December 2013 which takes effect on 17th January 2014. The notice requires the removal of part of the extension that is unauthorised and implement and develop in accordance with and pursuant to the conditions contained with planning permission 06/00616/FUL or the removal of the extension and reinstatement of the land to its previous condition by 17 July 2014.</p> <p>An appeal against the enforcement notice was lodged with the Planning Inspectorate on 09 January 2014. A hearing date has been scheduled 31st July 2014</p>	Await outcome of appeal.
14/00014/207 C2	Tadgedale Quarry, Muckleston Road, Loggerheads	22/04/2014	<p>Following the refusal of a retrospective application for a building at the established lorry park and haulage yard at the Planning Committee meeting of 3rd April 2014, at the following meeting of Committee it was resolved to authorise the Head of Legal Services to issue enforcement and all other notices to take and institute on behalf of the council all such action and prosecution proceedings for the removal of the building from the site with a compliance period of 1 month.</p> <p>Instructions have been sent to Legal Services who are preparing a notice in accordance with the resolution.</p>	Issue enforcement notice.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
13/00056/207 C2	Land at Doddlespool, Main Road, Betley	15.07/14	<p>At the Planning Committee meeting of 15th July 2014 it was resolved that should an planning application not be received by 31st July 2014 that the Head of Legal Services be authorised to issue enforcement and all other notices to take and institute on behalf of the council all such action and prosecution proceedings for the following:</p> <ul style="list-style-type: none"> a. Removal of the industrial skips, fuel tank, machinery and a portakabin within one month from the date of the notice, and b. Restrictions on the vehicle movements to and from the site (details of which will be reported) to limit the impact on highway safety and residential amenity levels. c. All activity associated with the engineering works, i.e. the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas shall cease after a period of no more than 3 years. d. No soil shall be imported onto the site 	Send instructions to Legal Services if a valid planning application is not received and issue enforcement notice.