

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.

Two new cases have been added since the previous report and one removed, provided to the Planning Committee at its meeting on the 1<sup>st</sup> March 2016, giving a total of 7 cases where enforcement action has been authorised. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

**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
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24<sup>th</sup> April 2015. The SN took effect on 30<sup>th</sup> April 2015. The EN took effect on 27<sup>th</sup> May.</p> <p>The Council is not aware that there has been a breach of the SN. It is aware, however, that the portacabin and commercial trailer/cabin remains on site beyond the one month time period set out in the EN.</p> <p>Since the previous report the breach of the EN has been taken to Court for prosecution and a significant fine has been imposed. The owner was given, by officers, a further 4 weeks to remedy the breach. That period has lapsed and the breach remains unremedied which has been drawn to the attention of Legal Services who are to prepare papers to take the matter back to Court.</p> <p>The used tyres that were imported and deposited on the site are being utilised in the construction of a fodder beat store and TB testing facility. Consideration is being given to whether expert advice is required to establish whether this is permitted development.</p>	<p>Pursue further prosecution of the breach of the Enforcement Notice.</p> <p>Determine whether the partially constructed fodder beat store and TB testing facility requires planning permission and if it does whether it is expedient to take enforcement action.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An EN was served which takes effect on 28<sup>th</sup> February 2016 unless an appeal is lodged.</p> <p>The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>An appeal has been lodged against the enforcement notice on three grounds; that the use of the land for residential purposes does not constitute a breach of planning control; that at the date at which the notice was issued no enforcement action could be taken; and the period for compliance as specified in the notice falls short of what should reasonably be allowed.</p> <p>The appeal is proceeding by way of Inquiry. The Council must provide its statement of case by 30<sup>th</sup> May 2016 and then provide comment, if there are any, on the appellant's statement of case by 20<sup>th</sup> June 2016. The Council must provide its proof of evidence no later than 4 weeks before the inquiry. A date has not been set for the Inquiry as yet.</p>	Submit a Statement of Case by 30 <sup>th</sup> May and comply with the Planning Inspectorate's timetable.
14/00048/207C2	<p>Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley</p> <p>Unauthorised subdivision into two dwellings</p>	13.7.15	<p>A retrospective planning application was received for the subdivision of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings and the subsequent appeal has now been dismissed.</p> <p>An EN was served requiring that Dairy House is reinstated to its previous condition prior to the subdivision within six months of the notice taking effect.</p> <p>The EN took effect on 21<sup>st</sup> December 2015 as an appeal was not lodged.</p>	Establish whether the Notice has been complied with at the end of the six month period (21 <sup>st</sup> June 2016)

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Planning Committee at its meeting on 5<sup>th</sup> January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. Legal Services have, very recently, been instructed to take the appropriate enforcement action.</p>	Issue an Enforcement Notice.
1 5/00094/207C3	<p>70A Chatterley Drive, Kidsgrove</p> <p>Unauthorised boundary fence</p>	30.10.15	<p>A retrospective planning application (15/00803/FUL) was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment which is harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16<sup>th</sup> March 2016 which took effect on 15<sup>th</sup> April. The notice requires the removal of the fence or its reduction in height to no more than 1m by 15<sup>th</sup> June 2016</p>	No target for this quarter.
14/00173/207C2	<p>Monkey Tree Cottage, Heighley Lane, Knowle Bank</p> <p>Unauthorised change of use of land from to land used in association with a dog kennel business and ancillary operation development including the regrading of agricultural land to facilitate the construction of a new building to house kennels, office and kitchen.</p>	23.2.16	<p>A retrospective planning application (15/00803/FUL) was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment which is harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16<sup>th</sup> March 2016 which took effect on 15<sup>th</sup> April. The notice requires the removal of a partially constructed building within two months; and removal retaining wall, reinstatement/regrading of land; and putting up an boundary treatment to separate the residential curtilage from the adjoining land within six months.</p> <p>An appeal has been lodged on the ground that insufficient time has been given to comply with the Enforcement Notice. Instructions have been sent to amend and re-serve the Enforcement Notice with a longer period for compliance.</p>	Reissue an Enforcement Notice with a longer compliance period.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
07/00064/207	18 Market Street, Kidsgrove  Non-compliance with conditions of planning permission 06/00551/COU for change of use to restaurant	21.3.16	Legal Services have instructed to take enforcement action against the non-compliance with conditions of the planning permission for the use of the building as a restaurant following protracted discussions with property owner. The conditions require the provision of an appropriate ventilation system to deal with odours, and the provision of a grease trap to the drainage system.	Issue an Enforcement Notice.