

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.

Since the last report to the Planning Committee at its meeting on the 24th May 2016 no new cases have been added to this list and one case has been able to be closed since the previous report. Some 7 cases are reported upon. 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 24th April 2015. The SN took effect on 30th April 2015. The EN took effect on 27th May 2015.</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>In the last quarterly report it was indicated that a breach of the EN had been taken to Court for prosecution and a significant fine had been imposed. The owner had then been given, by officers, a further 4 weeks to remedy the breach. That period lapsed with the breach remaining. In the last Quarter proceedings have commenced for a second prosecution as the portacabin has not been removed from the land, as required by the terms of the Enforcement Notice.</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. Your officers have concluded that expert advice is required on the key questions of whether such a structure is reasonably necessary for the purposes of agriculture within the unit and whether it is designed for the purposes of agriculture – in order to determine whether this is permitted development.</p>	<p>First hearing of second prosecution expected to be on 14th September</p> <p>Determine, on the basis of expert advice, 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 Enforcement Notice has been served which would have taken effect on 28th February 2016 had an appeal not been 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>The appeal against the notice is 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. No appeal that planning permission should be granted has been made</p> <p>The appeal is proceeding by way of an Inquiry. The Council has now submitted its case and its comments upon the appellant's grounds of appeal. The Inquiry is due to be held on 14th February 2017. In the meantime the Notice does not come into effect</p>	No action required over next quarter.
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 sub-division 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 21st December 2015 as an appeal was not lodged.- the six month period finishing on the 21st June. Arrangements are being made with the owners for a visit to this tenanted property</p>	Establish, if it has already been, whether the Notice has been complied with, and either close the case or take further action as appropriate.

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 5th 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. Notice subsequently served and in the absence of any appeal has come into force on the 13th July 2016. Compliance due by 13th January 2017</p>	<p>No target for this quarter, as the Notice does not require the steps to be taken within the next quarter.</p>
15/00094/207C3	<p>70A Chatterley Drive, Kidsgrove</p> <p>Unauthorised boundary fence</p>	30.10.15	<p>A retrospective planning application (15/00803/FUL) for a fence was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16th March 2016 which took effect on 15th April 2016. The notice required the removal of the fence or its reduction in height to no more than 1m by 15th June 2016. Site inspection has confirmed that the fence has been reduced in height for a section of its length, and that it now conforms to the requirements of the Notice</p>	<p>Case now closed</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
14/00173/207C2	<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 (14/00842/FUL) was refused in July 2015 under delegated powers on the grounds that the new building was materially larger than that which it replaced and was inappropriate development in Green Belt terms, as was the change of use of land, there were not the required very special circumstances to justify approval and the development had eroded the character and quality of the landscape .</p> <p>An Enforcement Notice was served dated 16th March 2016 The notice required the removal of a partially constructed building within two months; and removal of a retaining wall, reinstatement/regrading of land; and putting up a boundary treatment to separate the residential curtilage from the adjoining land within six months.</p> <p>An appeal was lodged both against the decision on the planning application and against the Enforcement Notice (preventing the Notice from coming into force). The appeal against the Enforcement Notice was made on the ground that insufficient time had been given to comply with the steps set out in the Enforcement Notice. The Authority confirmed on 16th May that it was willing to extend the period for compliance.</p> <p>The parallel planning appeal was allowed on the 22nd June, and in the circumstances the decision was then made to withdraw the Enforcement Notice, the appellant informed and his attention drawn to the conditions subject to which the planning appeal had been allowed</p>	Ensure compliance with conditions subject to which the appeal has been allowed
07/00064/207	<p>18 Market Street, Kidsgrove</p> <p>Non-compliance with conditions of planning permission 06/00551/COU for change of use to restaurant</p>	21.3.16	<p>Legal Services have been 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 and eventually unfruitful discussions with the property owner and his contractor. 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. Service of the Notice is expected very soon.</p>	<p>Establish whether the Notice has come into effect or not, and if it has monitor for compliance within the periods of time referred to in the Notice</p>