

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 16th August 2016 one new case has been added to this list and two cases have been able to be closed. 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.

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>In the last quarterly report it was indicated that a breach of the EN was to be taken to Court for prosecution for a second time on 14th September. The owner pleaded not guilty at the hearing and therefore it was deferred for trial which took place on 16th November. The owner was found guilty, again, and a further fine imposed.</p> <p>Following the court case a letter has been sent to the owner giving a further period (until 15th December 2016) for the portacabin and commercial trailer to be removed as required by the terms of the Enforcement Notice.</p> <p>Members have previously been advised that used tyres have been imported and deposited on the site which are being utilised in the construction of a fodder beat store and TB testing facility. Your officers previously 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. Such advice is expected to be received in the next few weeks.</p> <p>Since the previous report it has been established that waste has been imported onto the site in the form of covered bails. This matter is being addressed by the County Council, as Waste Authority, in conjunction with the Environment Agency.</p>	<p>Visit the site after 15th December 2016 to establish whether the portacabin and commercial trailer/cabin has been removed from the site.</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. 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 on 14th February 2017. Evidence is to be submitted to the Planning Inspectorate no later than 4 weeks before that date. In the meantime the Notice does not come into effect</p>	Preparation and submission of the Council's proof of evidence in accordance 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 was 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. The EN took effect on 21st December 2015 as an appeal was not lodged.- the six month period finishing on the 21st June.</p> <p>Discussions have been taking place with the applicant's agent. The indication is that once the existing tenant vacates the premises, which is expected to take place soon, the notice will be complied with.</p>	Establish 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. The Notice was 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>A planning application has been now been received for the variation of condition 1 of planning permission Nn21428 in order to allow the occupation of the mobile home by Thomas Maughan, Eileen McDonagh and their resident dependent.</p> <p>The application can be viewed by following this link http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00969/FUL</p> <p>The 8 week target date for the determination of that application is 5th January 2017.</p>	<p>Establish whether the Notice has been complied with, and, dependent upon the outcome of the planning application, either close the case or take further action as appropriate.</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. As the conditions have now been complied with the case has been closed.</p>	CASE CLOSED
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>The conditions of the planning permission that were being breached have been complied with and as such it the serving of an Enforcement Notice was not required.</p>	CASE CLOSED

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
08/00204/207	<p>Land off Keele Road, Newcastle</p> <p>Non-compliance with condition 9 of planning permission 11/00430/FUL for the erection of 61 dwellings (amended layout to that already approved including an addition 13 dwellings)</p>	20.10.16	<p>Various planning permissions have been granted for residential development on land off Keele Road, Newcastle (known as Milliner's Green). Due to the proximity of the site to the existing Scrap Yard (Hampton's) and landfill site (Walleys Quarry) certain of the planning permissions granted were subject to a requirement that an acoustic barrier should be installed along the western boundary of the site. A fence was erected and due to concerns about the standard of the fence when planning permission was granted in 2012 for the erection 61 dwellings (ref. 11/00430/FUL) a similar requirement was imposed.</p> <p>As the developer has not addressed the concerns expressed regarding the suitability of the fence, despite being approached by officers on a number of occasions and the developer offering assurances that works to the fence would start, it was decided that appropriate enforcement action was necessary. The action required is the replacement of the existing fence with an acoustic fence of a suitable standard.</p> <p>Following the decision to take action, Legal Services have been instructed to prepare the appropriate Notice.</p>	Serve the required Notice.