

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 6th December 2016 no new case has been added to this list and one case has been closed. 5 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
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 was considered at an Inquiry on 14th February 2017 and a decision has now been received (which is reported elsewhere on this agenda). The Inspector upheld the notice and as such it took effect on the date of the appeal decision, 21st February. The steps set out in the notice have to be complied within six months i.e. by 21st August 2017.</p>	No targets within the next quarter.

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>Members have previously been advised that the owner has been prosecuted twice following his failure to comply with the terms of the notice. Following the last court case in November 2016 the owner was given a further period of time (until 15th December 2016) for compliance. It is understood that the portacabin and commercial trailer remain on site. The owner has, however, indicated that an application is to be submitted for the extension to his existing agricultural building which will then enable the portacabin and commercial trailer to be removed as they will no longer be required for animal welfare purposes. It is anticipated that this application will be submitted in the very near future.</p> <p>Members have also 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. The advice received is that the structure is larger than the needs which might be generated by the Doddlespool Unit but may be appropriate in respect of the unknown requirements of a wider agricultural unit of which it is a part. In addition the use of waste tyres is unusual and does not reflect the type of uses promoted in best practice guidance.</p> <p>This advice has been forwarded to the County Council, as the Waste Authority who have indicated that the advice received is not sufficient for them to conclude that a waste operation has taken place against which enforcement action would be justified.</p> <p>The waste that has been imported onto the site in the form of covered bails, previously reported, remains with the Environment Agency, in conjunction with the County Council, to address.</p>	<p>Reach a position as to what action, if any, is required in respect of the partially constructed fodder beat store and TB testing facility.</p> <p>Encourage the prompt submission of the application of the extension to the existing building so that portacabin and trailer can be removed as quickly as possible. If the application is not received pursue a further prosecution.</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
14/00048/207C2	<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 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 finished on the 21st June.</p> <p>Following the vacation of the premises by the existing tenant a site visit has taken place which has established that the steps set out in the notice have been complied with and the breach of planning control has ceased. In light of this the case has been closed.</p>	CASE CLOSED
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>Following the resolution by 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 was due by 13th January 2017 and a subsequent visit to the site has established that the Notice has not been complied with.</p>	<p>Write to the owner as to highlight that the Notice has not been complied with and that compliance with the Notice will be pursued. Within the letter the owner will be encouraged to set out a timetable for the removal of the caravan. 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
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 has drafted the notice which currently is being circulated for final agreement prior to service.</p>	Serve the required Notice.