

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 18<sup>th</sup> July 2017 no new case has been added to this list. 4 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	Background information/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 28<sup>th</sup> 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 14<sup>th</sup> 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, 21<sup>st</sup> February. The steps set out in the notice had to be complied within six months i.e. by 21<sup>st</sup> August 2017. To date the none of the steps in the notice have been complied with.</p>	Instructions to be sent to Legal to initiate appropriate procedures to secure compliance with the Notice.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/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 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 15<sup>th</sup> December 2016) for compliance.</p> <p>It was established at a site visit on 20<sup>th</sup> June that the portacabin and commercial trailer have been dismantled and are not in use. Whilst some remnants of the structures remain on site, contrary to the requirements of the notice, it is not considered that it would be in the public interest to pursue full compliance of the notice through the court.</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>The County Council, as the Waste Authority, 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 remains with the Environment Agency, in conjunction with the County Council, to address. It is understood that the Environment Agency have taken formal action in this regard.</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.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/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>Following the resolution by 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. The Notice was subsequently served and in the absence of any appeal has come into force on the 13<sup>th</sup> July 2016. Compliance was due by 13<sup>th</sup> January 2017 and a subsequent visit to the site has established that the Notice has not been complied with.</p> <p>As previously reported discussions were had with the owner and this was followed up with a letter highlighting that the Notice has not been complied with and that compliance with the Notice will be pursued. Within the letter the owner has been encouraged to set out a timetable for the removal of the caravan. A response has not been received</p> <p>An appeal has been lodged against the refusal of planning permission to allow the occupation of the mobile home by others (application reference 16/00969/FUL) and a hearing has been scheduled for 17<sup>th</sup> October. It is not anticipated that the caravan will be removed from the site whilst the appeal remains undetermined.</p>	<p>Consideration will be given, in conjunction with Legal Services, as to when action should be taken to secure its removal (i.e. should this be before or after the appeal decision).</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/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>The Enforcement Notice was served on 30<sup>th</sup> June and took effect on 31<sup>st</sup> July. The steps required by the Notice include the requirement to erect a timber acoustic fence in accordance with details to be submitted within 28 days within 2 months after the date the Council approves the details of the fence. The details were submitted on 26<sup>th</sup> July, which was within the time period specified in the notice. Such details are being considered and as yet confirmation has not been sent to the developer that they are acceptable and as such the 2 months time period to erect the fence has not commenced.</p>	Respond to the developer regarding the details of the fence and continue to monitor to ensure that the steps within the notice are completed with the required time period.