

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.

The last report was brought to the Planning Committee at its meeting on the 6<sup>th</sup> November 2018. 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.**

| Address and Breach of Planning Control  | Date When Enforcement Action Authorised | Background information/Progress/Action particularly that within last Quarter   | Target for Next Quarter  |
|---|---|--|--|
| <p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) as integral parts of the development</p> | 25.04.17                                | <p>Following refusal of a planning permission to vary a condition of the permission which would have removed the requirement to provide a second Locally Equipped Area for Play (LEAP) on this development, Committee resolved that Legal Services be authorised to issue enforcement to secure, within six months, the provision of a second LEAP as required by condition.</p> <p>Details of a revised play area were subsequently received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October 2018.</p> <p>Consideration was been given to the provision of a NEAP (Neighbourhood...) during which it became apparent that there are different views as to what has or has not been approved. The developer's position is that details of the NEAP as provided on site were submitted and approved within the reserved matters application Following consideration of the reasonableness of the Council taking a different line to the developer, the considerable time that has elapsed after the provision of that play area, and the nature of the documentation relating to the permissions in place it was decided, under the delegated authority provided by the resolution of the Planning Committee of the 24<sup>th</sup> April 2017, that it would not be expedient to take enforcement action in relation to any breach of planning control in relation to the NEAP.</p> <p>A site visit has been undertaken and all the approved equipment has been provided within the second LEAP. Concerns have, however, been expressed regarding the installation of the equipment.</p> | <p>Contact regarding installation and request information in respect of post installation inspections.</p> |

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| <p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Importation and deposit of earth, and waste material on land and associated engineering operations to create a trackway.</p> | <p>20.4.15</p>                          | <p>Material has been imported onto the site and a new access is currently being constructed from Waybutts Lane (with the initial section being within Cheshire East Council's area and which has subsequently been granted planning permission by them).</p> <p>Whilst an application was submitted it was invalid upon receipt. A Temporary Stop Notice (TSN) was served on the owner on 13<sup>th</sup> February requiring the cessation of the importation and deposit of earth, and waste material on land and the associated operations to create a track. The reason for the action was to prevent adverse harm and effect on Betley Mere Site of Special Scientific Interest (SSSI) and Black Firs and Cranberry Bog SSSI.</p> <p>Subsequently it was decided that it was expedient to serve an Enforcement Notice (EN) and a Stop Notice (SN). The reason for such action was that the unauthorised works are contrary to local and national policy in terms of the unknown impact to the designated SSSIs and also due to the adverse harm to the openness of the Green Belt. Both Notices required the cessation of the unauthorised importation of material onto the site and all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas.</p> <p>The application for the retention and completion of the track was eventually registered as valid and reported to Committee on 6<sup>th</sup> November when it was resolved to grant planning permission subject to condition.</p> <p>Following the granting of planning permission the EN and SN were withdrawn as was the appeal that had been lodged against the EN. In light of this, this case can be closed.</p> <p>Monitoring of the permitted development is being undertaken to ensure that the development is being carried out in accordance with the planning permission. Updates are being provided on such monitoring every two month, the second such update is reported elsewhere on this agenda.</p> | <p>CASE CLOSED.</p> <p>Continue to monitor compliance with the planning permission and provide updates in accordance with Committee resolution.</p> |

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| <p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p> | <p>5.1.16 &amp; 11.10.18</p>            | <p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5<sup>th</sup> January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13<sup>th</sup> July 2016.</p> <p>The breach of planning control referred to in the EN was “without planning permission the material change of use of the Land for the storage of a mobile home”. Subsequent visits to the site established that the Notice had not been complied with.</p> <p>On 4<sup>th</sup> January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5<sup>th</sup> January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied. The breach of planning control referred to in the EN was no longer taking place therefore.</p> <p>A further EN was served on 9<sup>th</sup> November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged and confirmation received that it is valid. A ‘start letter’ has not, as yet, been issued and as such the appeal timetable has not been set out.</p> <p>For further information regarding the appeal refer to the update report elsewhere on this agenda.</p> | <p>Await the appeal ‘start letter’ and when received adhere to the appeal timetable.</p> |

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| <p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Breach of condition 3 of planning permission 14/00610/FUL.</p> <p>18/00251/207C2</p> | <p>7.11.18</p>                          | <p>Planning application 14/00610/FUL, for the retention of water reservoir, formation of hardstandings and repairs to the existing track was permitted on the 3<sup>rd</sup> December 2014 with 13 conditions. Condition 3 required all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease by 1<sup>st</sup> June 2015.</p> <p>A subsequent application was permitted (reference 15/00521/FUL) extending the period set within the condition a further nine months from the decision.</p> <p>In September 2018 complaints were received that soil was being removed from the site in breach of the condition. Following correspondence from the Council that activity ceased, however further allegations were then received on 2<sup>nd</sup> November.</p> <p>Whilst the removal of the soil has been infrequent such operations and activities at the site are still resulting in a significant and detrimental harm to the residential and there was reason to consider that the breach could happen again. As such it was resolved to take enforcement action.</p> <p>An Enforcement Notice (EN) was served on 22<sup>nd</sup> November requiring the cessation of the removal of soil seven days after the notice took effect. An appeal has been lodged and as such the EN hasn't taken affect. As yet confirmation has not been received that the appeal is valid.</p> | <p>Await the appeal 'start letter' and when received adhere to the appeal timetable.</p> |