

**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 18<sup>th</sup> August 2020. 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.**

| Address and Breach of Planning Control   | Date When Enforcement Action Authorised | Background information/Progress/Action particularly that within last Quarter  | Target for Next Quarter                       |
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| <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)</p> <p>17/00258/207C2</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 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>A site visit was undertaken some time ago which established that all the approved equipment has been provided within the second LEAP but not the benches. Subsequently installation of the benches by the developer was being pursued.</p> <p>More recently at its meeting of 21<sup>st</sup> July, following representations regarding issues of anti-social behaviour within the play area, Committee resolved to reduce the number of benches that they require to be installed from six to two. In addition Committee resolved to request that the money saved should be put towards replacement of the basket swing.</p> <p>The Developer has been advised of the Committee's decision and requested that the two benches are installed as soon as possible in locations already approved. This information has been passed to the Parish Council also. The Developer and Parish Council have been asked to agree what equipment should be installed in place of the basket swing and seek approval of the Local Planning Authority prior to installation. Discussions are ongoing about the funding of the costs involved in the removal of the basket swing and its replacement.</p> | Monitor site for installation of two benches. |

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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 that without planning permission the material change of use of the Land for the storage of a mobile home had occurred. 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, a 'start letter' issued and the Council's statement of case was submitted by 22<sup>nd</sup> April 2020. More recently the Inspectorate has confirmed that having set the hearing date for 6<sup>th</sup> October 2020, the hearing had been. The Council is waiting for confirmation of a new date for the hearing which is expected to be in February 2021.</p> | <p>Adhere to the appeal timetable when known and await the final arrangements for the Hearing</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 had been infrequent when such operations and activities at the site occur they result in a significant and detrimental harm to the residential and there is 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 was lodged but was subsequently withdrawn and the EN has now taken effect.</p> <p>Monitoring has been undertaken and no breaches of the EN have been detected. In addition the indication from the landowner is that the soil is to be utilised in the completion of the track which is referred to in the other report on this agenda (Land At Doddlespool).</p> <p>Whilst the EN will remain in place, given that there is no evidence to suggest that a breach is likely it is intended to close the case. A further report will be brought to Committee if and when a breach is suspected.</p> | <p>CASE CLOSED</p>      |

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| Barn 2, Moss House Farm, Eardleyend Road, Bignall End | 18.6.19                                 | <p>Full planning permission was granted at appeal for the conversion of the barn to two residential market housing units (Ref. 13/00755/FUL). An application was subsequently submitted in 2017 to retain alterations to the approved scheme (Ref. 17/00326/FUL) but it was evident that a substantial proportion of the building had been demolished and rebuilt. Such extensive rebuilding was considered to amount to a replacement building and therefore that application was refused on the grounds that planning permission for the retention of buildings to form two dwellings the development comprised inappropriate development within the Green Belt and very special circumstances did not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. An appeal against the Council's decision was subsequently dismissed with the Inspector also considering the development to comprise inappropriate development in the Green Belt.</p> <p>A subsequent application for the retention and alteration of the buildings to form two dwellings was refused by Planning Committee on 18<sup>th</sup> June 2019 on the grounds that it represented inappropriate development in the Green Belt and there were no very special circumstances that justified the granting of planning permission.</p> <p>On 18<sup>th</sup> June Committee also resolved that the Council's solicitor be authorised to issue enforcement action 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 to secure removal of the building within 12 months.</p> <p>An application was received (19/00629/FUL) for the retention of the building for a use falling within Class B8 (storage and distribution). That application was refused on 6<sup>th</sup> March 2020.</p> <p>As yet no enforcement action has been initiated.</p> | Instructions sent to Legal and enforcement notice issued. |

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| <p>Land to the West of Newcastle Road (A53), Blackbrook<br/>20/00079/207C2</p> | <p>18.8.2020</p>                        | <p>Following receipt of information in May this year that a breach of planning control had taken place, investigations were carried out which established that an unauthorised change of use of the land to a gypsy caravan site had been carried out.</p> <p>An injunction was served on the site to prevent any intensification of the use.</p> <p>At about the same time as the breach commenced a planning application was received for that use (20/00368/FUL) which was subsequently reported to Planning Committee on 18<sup>th</sup> August 2020. The application was refused and Committee resolved to take and institute all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.</p> <p>Consideration is currently being given as to the action to be taken.</p> | <p>Initiate appropriate enforcement action</p> |