

Planning Committee 22<sup>nd</sup> June 2021

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 2<sup>nd</sup> February 2021. 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.**

**APPENDIX**

<b>Address and Breach of Planning Control</b>	<b>Date When Enforcement Action Authorised</b>	<b>Background information/Progress/Action particularly that within last Quarter</b>	<b>Target for Next Quarter</b>
<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>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.</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 postponed the hearing that had been due to take place on 4<sup>th</sup> February until it can be held physically. A new date is awaited.</p>	<p>Continue to monitor activity at the site</p>

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>Barn 2, Moss House Farm, Eardleyend Road, Bignall End</p> <p>17/00062/207C2</p>	<p>18.6.19</p>	<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>An Enforcement Notice (EN) was served on 3<sup>rd</sup> May 2021, however as an appeal has been lodged it has not taken effect. Confirmation has been received that the appeal is valid and we are awaiting the appeal 'start' letter which will out details of the timetable, procedure and event.</p>	<p>Await the Inspectorate's 'start' letter.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
Land to the West of Newcastle Road (A53), Blackbrook 20/00079/207C2	18.8.2020	<p>Following receipt of information in May 2020 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>An appeal has been lodged against the refusal of planning permission. The Inspectorate have confirm that the appeal will be determined by the Inquiry procedure and an Inquiry date is to be scheduled by them. In accordance with the Inspectorate's timetable the Council has submitted a Statement of Case</p>	Await confirmation of the date of the Inquiry and timetable.

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>Hazeley Paddocks Keele Road Madeley Heath 20/001117/207C2</p>	<p>25.2.2021</p>	<p>Planning permission was granted in August 2017 under reference 17/00434/FUL for a replacement stable block and new ménage at Hazeley Paddocks.</p> <p>The stable and ménage were subsequently constructed but following complaints it was established that the stable was not constructed in accordance with the approved plans. Other works around the stable building had also been carried out including the construction of a timber pergola and concrete plinth.</p> <p>This resulted in a Section 73 planning application (20/00775/FUL) being submitted for the variation of conditions 2, 4, 6, 9, 12 and 13 of planning application 17/00434/FUL which was subsequently refused due to the pergola and plinth representing inappropriate development in the Green Belt and the absence of very special circumstances that justify the granting of planning permission.</p> <p>An Enforcement Notice (EN) was served on 19<sup>th</sup> May 2021 which will take effect on 21<sup>st</sup> June unless an appeal is lodged. The EN requires the removal of the timber pergola and concrete plinth within 6 months.</p> <p>At the date that this report was written no notification has been received that an appeal has been lodged.</p>	<p>Comply with appeal timetable should an appeal be lodged.</p>