

Planning Committee 1<sup>st</sup> March 2022

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 9<sup>th</sup> November 2021. 9 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.</p> <p>The Hearing scheduled on 23<sup>rd</sup> February 2022 was cancelled and a new date has been set for 12<sup>th</sup> July 2022.</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>Demolition of old barn and construction of a new house.</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. Se 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>Prior to the formal action a further 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 was lodged it did not take effect. An appeal hearing was held on 9<sup>th</sup> November. A decision has now been received concluding that the appeal on ground (b) (the breach of planning control has not occurred) failed but the appeal on ground (a) was successful thereby quashing the enforcement notice and granting deemed planning permission.</p> <p>Given that planning permission has been granted for the works undertaken to date there is no longer a breach of planning control and the case can be closed.</p>	<p>CASE CLOSED</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>Land to the West of Newcastle Road (A53), Blackbrook</p> <p>Unauthorised change of use of the land to a gypsy caravan site</p> <p>20/00079/207C2</p>	<p>18.8.2020</p>	<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 was lodged against the refusal of planning permission and Inquiry held in November 2021. The appeal decision is awaited.</p>	<p>Await appeal decision.</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>Hazeley Paddocks Keele Road Madeley Heath</p> <p>Erection of timber pergola and installation of concrete plinth</p> <p>20/00117/207C2</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 without approval 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 requires the removal of the timber pergola and concrete plinth within 6 months. As a valid appeal has been lodged the EN has not taken effect.</p> <p>The appeal is being dealt with by the written representations procedure. In accordance with the timetable the Council has submitted its case and the appeal decision is awaited.</p>	<p>Await appeal decision</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>Church View Farm, Stadmorslow Lane, Harriseahead</p> <p>Erection of silo</p> <p>18/00276/207C2</p>	<p>18.08.21</p>	<p>Complaints were received in late October 2018 that a green silo had been sited on the land. Contact was made and discussions held with the owner of the land in February 2019 and a site visit undertaken on the 31<sup>st</sup> May 2019. It was observed during the site visit that the silo was located to the rear of no.4 Stadmorslow Lane. The owner advised that it was not in use and had no agricultural or other purpose.</p> <p>The owner was advised to remove the silo. A further site visit was undertaken on the 1<sup>st</sup> July 2021 and the silo was still in place.</p> <p>The silo had an unsightly appearance and without the necessary agricultural justification for the development it has to be concluded that it is inappropriate development within the Green Belt and it is both harmful to the openness of the Green Belt and purposes of including land within the Green Belt. It was therefore concluded that it was expedient to take enforcement action and a Notice, dated 24<sup>th</sup> August 2021, was served.</p> <p>The notice took effect and the silo was removed in accordance with its requirements. As such the case has been closed.</p>	<p>CASE CLOSED</p>
<p>Land adjacent to the Offley Arms, Poolside, Madeley</p> <p>Breach of landscaping condition of 20/00746/FUL</p> <p>21/00153/207</p>	<p>03.09.21</p>	<p>Retrospective planning permission was granted on 1<sup>st</sup> March 2021 for the use of land to the side of the public house as a beer garden. The permission was subject to a number of conditions including condition 2 which required, within 3 months of the decision, a fully detailed soft landscaping scheme for the site, to include tree replacement for all trees that were removed from the site frontage, to be submitted to and approved by the LPA. The condition also requires that the approved landscaping scheme is implemented within the next planting season.</p> <p>A landscaping scheme was not been submitted or approved and because the 3 months has now passed the applicant/ owner is in breach of this condition. This breach results in the development having a harmful and adverse impact on the character and appearance of the Madeley conservation area, which is contrary to policy. It was therefore concluded that it was expedient to take enforcement action.</p> <p>A Notice was served which took effect on 19<sup>th</sup> November. It has not been complied with.</p>	<p>Pursue compliance with the EN</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>Domvilles Farmhouse, Barthomley Road, Audley</p> <p>Installation of upvc windows in listed building</p> <p>12/00092/207C1</p>	<p>24.09.21</p>	<p>The unauthorised installation of upvc windows to this listed building was identified in 2012 whilst undertaking a Building at Risk survey of all listed buildings within the Borough. The Council has been contacting the owners regarding this offence since 2012. In 2016 it was agreed that the owners would replace them in a phased manner starting with windows on the second floor of the front elevation and two windows on the side. Despite the support offered by the Conservation Officer and the owners appointing a planning consultant in 2017 no real attempt has been made to resolve the issue.</p> <p>In view of the adverse impact upon the authenticity and significance of Domvilles Farmhouse through the installation of upvc windows it has been resolved that enforcement action should be taken against the unauthorised work to the Listed Building.</p> <p>Instructions have been sent to the legal section and discussions are taking place to progress the preparation and serving of the required notice.</p>	<p>Serve the Notice</p>
<p>Robert Coates Plant Hire, Site at the junction of West Avenue and the A5011 Linley Road, Kidsgrove</p> <p>Breach of landscaping condition of</p> <p>17/00897/FUL</p> <p>19/00138/207C2</p>	<p>22.10.21</p>	<p>Planning permission was granted on 9<sup>th</sup> March 2018 for the redevelopment of the site from warehousing and distribution to a proposed showroom for construction and civil engineering plant sales. The permission was subject to a number of conditions including condition 6 which requires, prior to occupation of the site, a landscaping scheme for the site to include mature tree screening for the entire length of the Linley Road frontage to be submitted and approved and subsequently implemented.</p> <p>Whilst a landscaping scheme has been approved it has not, to date, been fully implemented. Without landscaping to soften the appearance of the development it has a harmful and adverse impact on the visual amenity of the area contrary to policy. It was therefore concluded that it was expedient to take enforcement action.</p> <p>A Notice, dated 19<sup>th</sup> October 2021, was served but as an appeal has been lodged it has not taken effect. The appeal is being dealt with by the written representations procedure. In accordance with the timetable the Council has submitted its case and the appeal decision is awaited.</p>	<p>Comply with appeal timetable.</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>Kingsley Rest Home, 7 Southlands Avenue, Wolstanton</p> <p>Erection of timber board fencing to enclose the front garden area.</p> <p>21/00131/207</p>	<p>18.01.22</p>	<p>Planning application 21/00857/FUL was submitted on the 2<sup>nd</sup> September 2021 following complaints from neighbouring residents regarding potential unauthorised development. The application sought to retain the installation of timber board fencing which enclosed the front garden area associated with Kingsley Rest Home.</p> <p>The application was refused for reasons relating to the loss of parking and associated highway danger; and harm to the character, form and appearance of the street scene. It was subsequently concluded that it was expedient to take enforcement action to secure the removal of the fence.</p> <p>Instructions have been sent to the legal section to prepare and serve the required notice.</p>	<p>Serve the Notice</p>