

**3<sup>rd</sup> January 2018****TITLE OF REPORT: Enforcement Action****REPORT OF: Paul Dowling, Strategic Director, Communities and  
Environment**

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**Purpose of the Report**

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

**Background**

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

**Recommendations**

3. It is recommended that the Committee note the report.

**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

**8. WARD IMPLICATIONS**

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

**9. BACKGROUND INFORMATION**

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without	

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										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.	
			Unsightly Land	21 <sup>st</sup> September	21 <sup>st</sup> September	N	N	21 <sup>st</sup> October 2015	16 <sup>th</sup> December	A planning application is expected to be submitted soon.	



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										<p>suspected of breaching the Notice</p> <p>A Community Protection Warning Notice was served, owner at present has complied with the notice and removed the vehicles from the road and the garden.</p> <p>Further tidying is required and we have now received a further complaints regarding another vehicle parked in the highway which is being investigated in conjunction with the Police.</p> <p><b>Following a site visit on 14<sup>th</sup> December 2017, the haulage lorry and other vehicles have been removed. The road has been cleaned and the garden has also been tidied. Although there are two vehicles parked outside the property they are currently being used by the owner as part of his work. To date the Community Protection Notice is being complied with and will be monitored by officers.</b></p>	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area	

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										<p>subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13<sup>th</sup> September 2016</p> <p>A planning application has been approved to retain an amended version of the windows.</p> <p>To date the windows have not been amended as per the approved planning permission DC/16/01203/HHA. The owners have confirmed that the alterations will take place in January 2018. Files are being prepared for prosecution if works</p>	

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										are not undertaken in January.	
6.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.	
	(Known as South West Farm Site Three)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal	



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										<p>action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3<sup>rd</sup> November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6<sup>th</sup> December 2017.</p> <p><b>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31<sup>st</sup> January 2018.</b></p>	
7.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with and further discussions with the owner have</p>	

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										taken place  The owner is now actively marketing the property in the hope the unit will be brought back into use .	
8.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 <sup>th</sup> March 2017	16 <sup>th</sup> March 2017	Y	N	16 <sup>th</sup> March 2017	10 <sup>th</sup> April 2017	Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. The permission was granted subjected to a number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.  The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.	
			Breach of Planning Conditions	19 <sup>th</sup> April 2017	20 <sup>th</sup> April 2017	Y	N	20 <sup>th</sup> April 2017	18 <sup>th</sup> May 2017	A Breach of Condition Notice was issued and the required information has been submitted.  Whilst the information is being considered complaints have been received regarding	

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										<p>activity on site and the owners have been warned that further, formal, action is being considered.</p> <p>The submitted details are generally acceptable however there is some clarification required in regards to cycle parking and layout. Once these issues have been resolved and the conditions discharged, immediate implementation will be sought.</p> <p>The submitted details have now been agreed and a letter was sent on the 20<sup>th</sup> November 2017 to the applicant requesting to implement the agreed details.  <b>The occupier has until the 18.12.17 to implement the details</b></p>	
9.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Chowdene	Unightly Land	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	<p>The land which is not attached to any property has been overgrown for a long period and is unsightly.</p> <p>Officers have made enquiries as to the owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.</p> <p>The specified time period has elapsed and while some work</p>	

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										<p>has been carried out it is not satisfactory. The owner now has until 17 August to complete the work otherwise further action will be taken.</p> <p>A prosecution file has been prepared. The first hearing is listed at Gateshead Magistrates Court on 20.12.17</p>	
10.	Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SA	Birtley	Unauthorised Change of Use	27 July 2017	28 July 2017	Y	Y	4 September 2017	27 November 2017	<p>The land has been covered with a hard standing and is being used for the storage of cars connected to the adjacent car auction use.</p> <p>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</p> <p>An appeal against the Enforcement Notice has now been received. The Council are awaiting a start date from The Planning Inspectorate The start date is 25.10.17. The appeal is written representations, neighbours have now been notified.</p>	

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										<b>The Councils appeal statement was submitted to the inspectorate on the 29.11.17</b>	
11.	8 Thirlmere, Birtley, DH3 2JY	Birtley	Unauthorised Change of Use	27 July 2017	28 July 2017	Y	N	4 September 2017	2 October 2017	<p>The property is been used as a mixed use involving residential, dog grooming and dog boarding.</p> <p>The planning application to retain the development ref. DC/17/00428/FUL was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application.</p> <p><b>A site visit was undertaken on the 30.11.17. The non-domestic equipment associated with the dog grooming has been removed as per the Notice. All the other requirements of the notice have been complied with also. Request committee to remove from the report.</b></p>	
12.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require</p>	

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										<p>improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems in securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p><b>Barbed wire has been removed from the boundary treatment.</b></p>	
13.	47 Heathfield Road Gateshead NE9 5HH	Lowfell	Unauthorised Development	12 <sup>th</sup> October 2017	12 <sup>th</sup> October 2017	N	N	16 <sup>th</sup> November 2017	16 <sup>th</sup> December 2017	<p>Erection of wooden fencing and raised platform area which has facilitated the use of the garage roof as a terrace area</p> <p>Complaints have been received in relation to the development.</p> <p>An Enforcement Notice has been issued to resolve the issues identified</p> <p>The Notice has been issued to require the removal of the wooden fencing and raised platform.</p> <p>A site visit was undertaken on 22<sup>nd</sup> November 2017. The development has been substantially removed in partial compliance with the notice.</p>	

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										<b>Further email correspondence has been sent to the owners of the property detailing how to fully comply with the requirements of the notice.</b>	
14.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	N	N	23 <sup>rd</sup> November 2017	4 <sup>th</sup> January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p> <p><b>Following a site visit on 13<sup>th</sup> December 2017, works have commenced on site and some vegetation has been cut, however there is still a large amount of work to be undertaken in order to comply with the requirements of the notice.</b></p>	
15.	Swalwell Cricket Club Derwenthaugh Park Spa Well Road Winlaton Mill NE21 6JA	Whickham North	Unauthorised Change of Use	24 <sup>TH</sup> November 2017	24 <sup>th</sup> November 2017	Y	N	24 <sup>th</sup> November 2017	22 <sup>nd</sup> December 2017	<p>The land has been changed from scrub land to a Dog day care facility without planning permission</p> <p>The applicant submitted planning application DC/17/01127/COU. Consultation</p>	

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										<p>responses had been received expressing concerns relating to potential contamination on site, impact on the Green Belt and implications for ecology/wildlife in the area.</p> <p>The temporary stop notice has been served to allow for these concerns to be fully assessed.</p> <p>The planning application has now been withdrawn and the use of the land ceased.</p>	
16.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	Y	N	29 <sup>th</sup> November 2017	26 <sup>th</sup> December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and groundworks, engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p>	