

24th January 2018**TITLE OF REPORT: Enforcement Action****REPORT OF: Paul Dowling, Strategic Director, Communities and
Environment**

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 |
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| 1. | Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead | Winlaton 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 | Winlaton 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 st September | 21 st September | N | N | 21 st October 2015 | 16 th December | A planning application is expected to be submitted soon. | |

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| | | | | 2015 3 January 2017 | 2015 4 January 2017 | | | 8 February 2017 | 2015 8 April 2017, 8 May 2017 and 8 June 2017 | <p>However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.</p> <p>Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.</p> <p>A further notice has now been issued requiring the site to be tidied and a hoarding erected.</p> <p>Work to erect the hoarding is now complete.</p> <p>Following high winds the hoarding had been blown down. A site visit on the 7th December 2017 was undertaken to confirm the damaged hoarding had been repaired.</p> | |
| 4. | 21 Saltwell View | Saltwell | Unauthorised alteration to property | 16 July 2014 | 16 July 2014 | N | | 20 August 2014 | 13 September 2016 | <p>The unauthorised installation of UPVC windows without consent, -fronting the highway in an area 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</p> | |

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| | | | | | | | | | | <p>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 13th 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 are not undertaken in January.</p> | |
| 5. | 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 | |

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| | (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 | Environmental Impact of the Development. 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 action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3 rd November 2017. The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6 th December 2017. | |

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| | | | | | | | | | | The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31 st January 2018. | |
| 6. | Tynedale House, Main Street, Crawcrook | Crawcrook and Greenside | Unsightly Building | 13 th January 2017 | 14 th February 2017 | Y | N | 20 th March 2017 | 15 th 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 taken place</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> | |
| 7. | Site of Station House, Green Lane, Gateshead | Pelaw and Heworth | Breach of Planning Condition | 16 th March 2017 | 16 th March 2017 | Y | N | 16 th March 2017 | 10 th April 2017 | <p>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</p> | |

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| | | | Breach of Planning Conditions | 19 th April 2017 | 20 th April 2017 | Y | N | 20 th April 2017 | 18 th May 2017 | <p>number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.</p> <p>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.</p> <p>A Breach of Condition Notice was issued and the required information has been submitted.</p> <p>Whilst the information is being considered complaints have been received regarding 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</p> | |

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| | | | | | | | | | | <p>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 20th November 2017 to the applicant requesting to implement the agreed details. The occupier has until the 18.12.17 to implement the details</p> <p>The conditions have still not been fully complied with. Discussions are taking place between the agent and the Councils highway departments in regards to the acceptability of changing the access arrangement on the site. Further enforcement action is to be considered once these discussions have taken place.</p> | |
| 8. | 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> | |

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| | | | | | | | | | | <p>The specified time period has elapsed and while some work 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> <p>Defendant pleaded guilty and was issued £600 fine and £200 costs, the district judge made the defendant aware that the land needs to be tidied and the notice complied with. The Council can bring forward another complaint and every day the notice is not complied the defendant could receive a further fine. The site is now being monitored.</p> | |
| 9. | 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</p> | |

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| | | | | | | | | | | <p>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. The Councils appeal statement was submitted to the inspectorate on the 29.11.17</p> | |
| 10. | Site of Former Collinson Brothers Garage, Derwent Street, Chopwell | Rowlands Gill and Chopwell | Unsightly 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 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</p> | |

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| | | | | | | | | | | <p>undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p> | |
| 11. | 47 Heathfield Road Gateshead NE9 5HH | Lowfell | Unauthorised Development | 12 th October 2017 | 12 th October 2017 | N | N | 16 th November 2017 | 16 th 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 22nd November 2017. The development has been substantially removed in partial compliance with the notice.</p> <p>Further email correspondence has been sent to the owners of the property detailing how to fully comply with the requirements of the notice.</p> | |

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| 12. | 23 Hopedene Felling Gateshead NE10 8JA | Wardley And Leam Lane | Unsightly Land | 19 th October 2017 | 19 th October 2017 | N | N | 23 rd November 2017 | 4 th 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, strimmed and all waste removed.</p> <p>Following a site visit on 13th 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.</p> <p>No further work has been undertaken since the last site visit on the 13th December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken in January.</p> | |
| 13. | Swalwell Cricket Club Derwenthaugh Park Spa Well Road Winlaton Mill NE21 6JA | Whickham North | Unauthorised Change of Use | 24 TH November 2017 | 24 th November 2017 | Y | N | 24 th November 2017 | 22 nd 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.</p> | |

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| | | | | | | | | | | <p>Consultation 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> <p>Request to remove from report</p> | |
| 14. | Gleeson's housing site, formally grazing land between Portobello Road Birtley | Birtley | Breach of Planning Conditions | 29 TH November 2017 | 29 th November 2017 | Y | N | 29 th November 2017 | 26 th 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> <p>Correspondence has been sent to the developer asking them to confirm that they will not be</p> | |

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| | | | | | | | | | | recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered. | |
| 15. | Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG | Birtley | Unauthorised change of use | 22 nd December 2017 | 22 nd December 2017 | Y | N | 26 TH January 2018 | 26 th March 2018 | <p>Complaints have been received regarding the operation of a hot food take away without planning permission. A retrospective planning application was submitted and refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> | |