

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 | 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 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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| | | | | | | | | | | <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>Following a site visit on the 30.01.18, the windows are now in compliance. Permission is sought from Committee to remove this item from the report.</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 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 | 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 | |

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| | (Known as South West Farm Site Three) | Swalwell | 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. 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 | <p>including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>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.</p> <p>The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3rd November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</p> | |

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| | | | | | | | | | | The defendant pleaded not guilty at court on the 31st January. The case has been listed for the 29th March 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>A 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.</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 | Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. Permission was granted subjected to a number of pre commencement conditions, however the use has commenced without the conditions being | |

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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>discharged.</p> <p>Officers have significant concerns regarding highway safety, therefore a Temporary Stop Notice was issued requiring the use to cease until the conditions are discharged.</p> <p>A Breach of Condition Notice was issued and the required information has been submitted.</p> <p>The submitted details have now been agreed. The occupier has until the 18.12.17 to implement the details. These details have still not been fully implemented.</p> <p>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.</p> <p>The alterations to the access arrangements are unacceptable so advice is being sought from legal regarding further enforcement action.</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 | The land which is not attached to any property has been overgrown for a long period and is unsightly. | |

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| | | | | | | | | | | <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>As land has not been tidied prosecution file has been prepared. The first hearing is listed at Gateshead Magistrates Court on 20.12.17 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> <p>A letter has been sent to the owner stating that a site visit will be undertaken on the 1st February. If the notice is not complied in full the council will prosecute again.</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 | The land has been covered with a hard standing and is being used for the storage of cars connected to the adjacent car auction | |

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| | | | | | | | | | | <p>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. 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 | 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 improvements, particularly relating to the boundary treatment.</p> <p>However, the site</p> | |

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| | | | | | | | | | | <p>owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</p> <p>Site visit is to be 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>Confirmation has been received from the owner, that the notice will be fully complied with by the 28th February</p> | |

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| 12. | 23 Hopedene Felling Gateshead NE10 8JA | Wardley And Leam Lane | Unightly 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>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 by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the 5th February, in the absence of this being complied with a prosecution file will be prepared.</p> | |
| 13. | 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 engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop</p> | |

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| | | | | | | | | | | <p>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 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.</p> <p>A meeting has taken place between the developer and development management. A new application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not recommence on site until the details have been agreed.</p> | |
| 14. | 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 | Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it | |

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| | | | | | | | | | | <p>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> | |
| 15. | 44 Ponthaugh Rowlands Gill NE39 1AD | Chopwell and Rolwands Gill | Unauthorised change of use | 12 th January 2018 | 12 th January 2018 | N | N | 16 th February 2018 | 16 th March 2018 | <p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> | |