

**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 Spenn, Whickham North, Whickham South and Sunniside, 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	<p>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'.</p>	
			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	<p>A planning application is expected to be submitted soon.</p>	

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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	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work to erect the hoarding is now complete.  Following wind damage to the hoarding this has been repaired.	
4.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)  (Known as South West Farm Site Two)	Swalwell  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  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	11 January 2016  11 January 2016	12 January 2016  12 January 2016	N  N	N  N	15 February 2016  15 February 2016	14 March and 4 July 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.  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	

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	(Known as South West Farm Site Three)	Swalwell	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>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 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>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31<sup>st</sup> January 2018.</p> <p>The defendant pleaded not guilty at court on the 31<sup>st</sup> January. The case has been listed for the 29<sup>th</sup> March 2018.</p>	

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5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly 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>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>	
6.	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	<p>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 discharged.</p> <p>Officers have significant concerns regarding highway safety, therefore a</p>	

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			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	<p>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. <b>Further discussions have taken place with the applicant regarding the implementation of the approved conditions.</b></p>	
7.	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><b>Further efforts have been made to tidy the land, consideration is being made as to whether the works are acceptable to fully comply with the notice.</b></p>	
8.	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 use.	

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										<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>	
9.	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 owners appear to</p>	

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										<p>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>Barbed wire has been removed from the boundary treatment.</p>	
10.	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> <p><b>Following a site visit on the 21.02.18, the notice has now been fully complied with. Permission is sought from Committee to remove this item</b></p>	

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										<b>from the report.</b>	
11.	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, strimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13<sup>th</sup> 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 5<sup>th</sup> February, in the absence of this being complied with a prosecution file will be prepared.</p> <p><b>Prosecutions files are now being prepared.</b></p>	

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12.	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 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 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 re-commence on site until the details have been agreed.</p> <p><b>The developer is currently in discussions with the</b></p>	

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										<b>Council prior to submitting the discharge of conditions application.</b>	
13.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 <sup>nd</sup> December 2017	22 <sup>nd</sup> December 2017	Y	Y	26 <sup>TH</sup> January 2018	26 <sup>th</sup> March 2018	<p>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 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> <p><b>An appeal against the Enforcement Notice has now been received. The start date is 20.02.18. The appeal is written representations, neighbours have now been notified.</b></p>	

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14.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	N	N	16 <sup>th</sup> February 2018	16 <sup>th</sup> March 2018	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.	
15.	<b>Land at Mill Road Gateshead NE8 3AE</b>	Bridges	<b>Unightly Land</b>	<b>19<sup>th</sup> February 2018</b>	<b>19<sup>th</sup> February 2018</b>	<b>N</b>	<b>N</b>	<b>26<sup>th</sup> March 2018</b>	<b>7<sup>th</sup> May 2018</b>	<b>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.</b>	
16.	<b>Land situated to the rear of 6 and 7 Harraton Terrace, Durham Road, Birtley, DH3 2QG</b>	Birtley	<b>Unightly Land</b>	<b>1<sup>st</sup> February 2018</b>	<b>1<sup>st</sup> February 2018</b>	<b>N</b>	<b>N</b>	<b>08<sup>th</sup> March 2018</b>	<b>22<sup>nd</sup> March 2018</b>	<b>Complaints have been received regarding the condition of the land to the rear of 6 and 7 Harraton Terrace, Birtley. The condition of the land is considered to be detrimental to the public amenity. A Notice pursuant to</b>	

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										<b>section 215 of the Town and Country Planning Act has been served requiring the land to be tidied</b>	