

TITLE OF REPORT: Enforcement Action

**REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport**

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, Windy Nook And Whitehills, 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	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
1.	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	15 February 2016	14 March and 4 July 2016	<p>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.</p> <p>As such the original Notices (which were all being appealed) were withdrawn and further Notices were issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with any subsequent appeals.</p> <p>The Notices required firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site had to be cleared in 6 months.</p> <p>A site visit was undertaken in October 2018 where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Councils legal department.</p> <p>A court date was issued for the 26th April 2019 at Gateshead Magistrates Court, but subsequently re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date was adjourned until 24th June 2019 at 10am, discussions took place with the land owner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June 2019, two of the areas of land had been significantly cleared, with efforts continuing</p>	06.04.2023 – Awaiting date for a joint site visit with the Environment Agency
	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	15 February 2016	14 March and 4 July 2016		
	(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	15 February 2016	14 March and 4 July 2016 29 th Sep 2018		

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
								<p>to be made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date was rearranged for the 24th September 2019 and finally heard on the 20th January 2020. Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p> <p>On 16 February 2022 an update was requested by Councillor Ord at committee as problem recurring.</p> <p>Allocated to an enforcement officer and investigations ongoing. The Environment Agency have been approached for additional support with this investigation and the enforcement team awaiting confirmation of a joint visit.</p> <p>Site visit undertaken in December 2022.. Owners instructed to tidy the site and remove vehicles not actively being used on the farm. The EA confirms exemption in place for handling of green waste. No evidence of car repair business on site. EA cancelled arranged site meeting and working to rearrange.</p>	
2.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June 2019, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p>	06.04.2023 – Advice has been sought as to next steps in ensuring compliance. Discussions are ongoing with the appointed consultant.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
								An appeal has been submitted in relation to the enforcement notice.	
3.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p> <p>February 2023 - Development management have engaged a minerals and landfill specialist consultant to consider the current planning status of this development and determine an appropriate course of action should further enforcement activity be required.</p>	06.04.2023 – Advice has been sought as to next steps in ensuring compliance. Discussions are ongoing with the appointed consultant.
4.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Update 08.02.2023 - Building work has commenced at the rear of the property. Old kitchen has been demolished in preparation for the new development. Gable wall is being repointed.</p>	06.04.2023 – Ongoing monitoring to ensure works continue.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
5.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<p>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 all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p> <p>A revised notice was re -served on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't straight forward due to structural integrity of building and presence of asbestos containing materials. 02 March 2022 NEDL have disconnected the electrical supply to the building.</p>	06.04.2023 – The building has been demolished and the site reinstated.
6.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p>	06.04.2023 – Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
7.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p>	06.04.2023 – Site visit took place in March with landowner’s agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.
8.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 th April 2022	27 th April 2022	18 th May 2022	5 th September 2022	<p>Complaints have been received regarding the condition of the property and the adjoining land. The site has been subject to a number of arson attacks, fly tipping and other anti-social behaviour. A Notice has been issued pursuant to section 79 (1) of the Building Act 1984 requiring the recipient to either carry out such works of restoration or carry out demolition and remove the resultant rubbish or other materials from the site as specified in the notice. This has been the subject of an appeal. Work is ongoing with Northumbria Police and Tyne and Wear Fire & Rescue service to expedite a resolution. Construction services have also been requested to provide a method statement and costings for demolition, should the local authority be required to undertake works in default. –</p> <p>Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p> <p>Construction services instructed to progress to tendering stage for demolition</p>	06.04.2023 – Work is continuing to progress demolition costs and methodology by construction services.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
9.	Land On The North Side Of, Barlow Road, Barlow, Blaydon On Tyne,	Winlinton and High Spenn	Without planning permission, the erection of two timber buildings on the Land, and the creation of a hard surface of block paving.	19 th October 2022	20 th October 2022	24 th November 2022	30 th March 2023	Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 171A(1) of the Town and Country Planning Act requiring the timber buildings to be dismantled; all paving, being block paving and any other paving used in the foundations of the timber buildings to be removed; along with all materials and waste used in connection with or resulting from compliance with the steps required.	06.04.2023 –the two timber buildings have been removed. Work appears to be ongoing to achieve compliance. Ongoing monitoring to ensure works continue.
10	Land On The North Side Of, Barlow Road, Barlow, Blaydon On Tyne,	Winlinton and High Spenn	Without planning permission, the material change of use of the Land to storage, including the siting of a container and a caravan	19 th October 2022	20 th October 2022	24 th November 2022	16 th February 2023	Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 171A(1) of the Town and Country Planning Act requiring that storage on the land permanently ceases; that the storage container and caravan are removed along with all other stored materials and waste.	06.04.2023 –the storage container and caravan have been removed. Ongoing monitoring to ensure works continue.