

TITLE OF REPORT: **Planning Enforcement Appeals**

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

Purpose of the Report

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

New Appeals

2. There have been no appeals received since an update was last provided to committee.

Appeal Decisions

3. There has been **one** appeal decision received since the last Committee.

Caspian Kebab The Cottage 18 Talbot Terrace Birtley DH3 2PQ	Without planning permission, the erection of a structure comprising of a metal framework and slate tiled monopitch canopy.	Appeal has been dismissed by the planning Inspectorate due to non-payment of appropriate appeal fee.
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4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

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

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Ryton, Crookhill and Stella
Felling
Birtley

BACKGROUND INFORMATION

Appeal Decision

Outstanding Enforcement Appeal Cases

Further details have been provided by the planning inspectorate with regard to the following appeal, since committee were last updated.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
<p>Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN</p>	<p>Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps</p>	<p>The appeal(s) will proceed on ground(s) (a), (f) as set out at Section 174(2) of the 1990 Act.</p> <p>The planning inspectorate has confirmed the start date of the appeal as 17 July 2023. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/23/3324826. Any representations are to be received by the planning inspector no later than 28 August 2023. Guidance on making representations can be found in the following link Taking part in a planning, listed building or enforcement appeal - GOV.UK (www.gov.uk)</p>
<p>OM Properties Investment Company Limited, The Pantiles, Gartree Road, Oadby, Leicester, LE2 2FB</p>	<p>Community Protection Notice Served under the provisions of the Anti-social Behaviour Crime and Policing Act 2014 to prevent the detrimental effect the conduct of the owner is having on the quality of life of those in the locality in relation to the lack of management of the former Kwik Save premises and adjoining land at 57 High Street, Felling, Tyne and Wear, NE10 9LU. The building has been significantly fire damaged, is subject to regular arson attempts, unauthorised</p>	<p>Appeal has been lodged with Gateshead Magistrates Court. Directions Hearing took place on 20.09.2023 at South Tyneside Magistrates Court. Matter is listed for a full day contested appeal hearing on 23.01.2024 at STMC starting at 10am. Directions have been set as follows:</p> <ul style="list-style-type: none"> •25.10.2023 exchange documents •01.12.2023 exchange of statements <p>OM properties Ltd have</p>

	<p>access, anti-social behaviour and is in a dangerous condition. The adjoining land is used for fly tipping regularly. The building and the site impacts significantly upon policing, fire service and local authority resources as well as neighbouring/adjoining businesses and local residents.</p>	<p>asked for a meeting to try and resolve matters. This will take place on 19.10.2023.</p> <p>OM Properties investment Company Ltd withdrew their appeal against the notice on Friday 19.1.2024. The requirements of the notice were reinstated from this point.</p>
<p>1 - 2 Durham Road Birtley Chester Le Street DH3 1LE</p>	<p>Without planning permission the installation of new shopfront including cement cladding panels to front and side elevations</p>	<p>The appeal(s) will proceed on ground (a) as set out at Section 174(2) of the 1990 Act.</p> <p>The planning inspectorate has confirmed the start date of the appeal as 27 November 2023. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/23/3330644. Any representations are to be received by the planning inspector no later than 08 January 2024. Guidance on making representations can be found in the following link Taking part in a planning, listed building or enforcement appeal - GOV.UK (www.gov.uk)</p>