

**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**15<sup>th</sup> May 2024**

**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.

<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 Planning inspectorate has considered the appeal made by the appellant in 3 parts:</p> <ul style="list-style-type: none"> <li>• The enforcement notice, APP/H4505/C/23/33248 26 – Appeal A</li> <li>• Refusal of proposed retention of existing timber café building APP/H4505/W/23/3326 916 – Appeal B</li> <li>• Refusal of proposed provision of carpark to northwest of site APP/H4505/W/23/3328 813 – Appeal C</li> </ul> <p>The inspector's decision is:</p> <p><b>1. Enforcement notice to</b></p>
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		<p>be corrected by the deletion of the word 'structure' from requirement iii, and its substitution with the word 'canopy'.</p> <p><b>2.</b> Appeal A is dismissed, the deemed planning application is refused, and the enforcement notice as corrected, is upheld.</p> <p><b>3.</b> Appeal B is dismissed,</p> <p><b>4.</b> Appeal C is dismissed.</p>
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### **Outstanding Appeals**

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 –**

Birtley  
Felling  
Low Fell  
Ryton, Crookhill and Stella

**BACKGROUND INFORMATION**

Appeal Decision

- APP/H4505/C/23/3324826
- APP/H4505/W/23/3326916
- APP/H4505/W/23/3328813

### 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>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 <b>08 January 2024</b>. Guidance on making representations can be found in the following link <a href="https://www.gov.uk/guidance/taking-part-in-a-planning-listed-building-or-enforcement-appeal">Taking part in a planning, listed building or enforcement appeal - GOV.UK (www.gov.uk)</a></p>
<p>Caspian Kebab The Cottage 18 Talbot Terrace Birtley DH3 2PQ</p>	<p>Without planning permission, the erection of a structure comprising of a metal framework and slate tiled monopitch canopy.</p>	<p>Appeal has been received by the Planning Inspectorate who will confirm a start date once the appeal has been validated by the Planning Inspectorate</p>

<p>Davey's Breakfast and Sandwiches 592 - 596 Durham Road Gateshead NE9 6HX</p>	<p>Without planning permission, the material change of use of the Land from Café (Use class E) to Hot Food Takeaway (Sui Generis).</p>	<p>Appeal has been received by the Planning Inspectorate who will confirm a start date once the appeal has been validated by the Planning Inspectorate</p>
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