

TITLE OF REPORT: Planning Enforcement Appeals

REPORT OF: Neil Wilkinson, Interim 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.

APPELLANT	REASON FOR NOTICE	INSPECTOR'S DECISION
1 - 2 Durham Road Birtley Chester Le Street DH3 1LE	Without planning permission the installation of new shopfront including cement cladding panels to front and side elevations	The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. The Appellant has 4 months to comply with the requirements of the notice.

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
Low Fell

BACKGROUND INFORMATION

Start Letters
Appeal Decision - APP/H4505/C/23/3330644

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>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>The appeal will proceed on ground (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 08 May 2024. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/24/3341013. Any representations are to be received by the planning inspector no later than 19 June 2024.</p> <p>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>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>The appeal will proceed on ground (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 May 2024. The appeal is to be heard through the written representation's procedure.</p> <p>The appeal reference is APP/H4505/C/24/3341099. Any representations are to</p>

		<p>be received by the planning inspector no later than 28 June 2024.</p> <p>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>
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