

**TITLE OF REPORT:** Planning Enforcement Appeals

**REPORT OF:** Elaine Rudman, Compliance & Regulatory Services  
Manager - 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 has been **one** appeal received since an update was last provided to committee.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
Former MGM Engineering, MGM House, Newburn Bridge Road, Blaydon, NE15 8NR	Community Protection Notice -Persistent or continuing unreasonable conduct having a detrimental impact on the quality of life of those in the locality, due to the accumulation of waste and litter, the failure to remove the waste from the premises and the failure to sufficiently secure the premises to prevent unauthorised access, fires and fly tipping on the land.	The Appeal was lodged with HM Court and Tribunal Service on 23.7.2024. Instructions are awaited.

### Appeal Decisions

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

APPELLANT	REASON FOR NOTICE	INSPECTOR'S DECISION

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 Decision Date 11 <sup>th</sup> July 2024. Appeal Reference: APP/H4505/C/24/3341013.  The appeal is dismissed, and the enforcement notice is upheld.
--	--	--

### **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  
Ryton, Crookhill and Stella

**BACKGROUND INFORMATION**

Start Letters  
Appeal Decision - APP/H4505/C/24/3341013

## Outstanding Enforcement Appeal Cases

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
<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 be received by the planning inspector no later than <b>28 June 2024</b>.</p> <p>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>