

PLANNING COMMITTEE – 4th November 2021: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Table 1 - Sites with Notices served or authorisation to Serve Notices

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E20/0033	RS	Foley Wood, Egerton Road, Streetly	10 th December 2020	Unauthorised COU. PEN Authorised – Pending further info prior to service.	Cease use and remove fence/domestic paraphernalia - within 3 months from when the notice takes effect. Ownership details unknown at time of enquiry. Land owners not identified
			17 March 2021	4 ENs served	3 ENs appealed, one complied with.
			4 November 2021		1 appeal is currently being dealt with by (adjourned) public inquiry. New date likely to be Feb 22. Other 2 written representation appeals waiting for PINS decision
E11/0274	RS	12-14 Lower Lichfield Street, Willenhall	2/5/2013	S215 Notice issued 28 th June 2012.	Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned.
			25 th Sept 18		Warning letter with regards action sent January 2018 and site to be monitored.
			19 th Dec 2018		Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.

			<p>14th November 2019</p> <p>10th December 2020</p> <p>4 November 2021</p>		<p>Action in abeyance as a planning application for redevelopment of the site is under consideration.</p> <p>To be reviewed by new enforcement officer.</p> <p>Outline consent approved in 2019 and remains extant until August 2022. Recommend closing the case.</p>
E17/0135	RH	Three Crowns Public House	<p>2nd April 2015</p> <p>3rd August 2017</p> <p>5th June 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p>		<p>Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINC. Compliance period ends on 29th January 2018. Appeal has been lodged with PINS.</p> <p>Appeal dismissed for planning decision to refuse a further temporary planning consent for the hand car wash facility and associated residential caravan.</p> <p>Awaiting Enforcement appeal start date, there is a backlog of cases at the Inspectorate.</p> <p>Appeal confirmed as valid by PINS. Start date of 11th May 2018.</p> <p>Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.</p> <p>Appeal site visit booked for 7th January 2019.</p>

			<p>11th March 2019</p> <p>3rd June 2019</p> <p>14th November 2019</p> <p>10 December 2020</p> <p>4 November 2021</p>		<p>Appeal dismissed notice upheld slight amendment to remove elements relating to tidying the site on 26th February 2019. Works to be completed within 90 days.</p> <p>Compliance site visit undertaken and partial compliance has occurred car wash ceased and items removed apart from storage container and caravan use ceased and removed. Owners written to a requested further works to secure full compliance with requirements of the notice.</p> <p>Further works have been undertaken to address the notice requirements, still awaiting confirmation from owner with regards to ecological issues.</p> <p>Applicant has implemented their planning approval and erected hoardings around the application site. Car wash doesn't appear to be operating. Site to be monitored.</p> <p>Further monitoring required.</p>
E17/0463	RS	Land south of Cartbridge Lane	<p>25th Sept 18</p> <p>19th Dec 2018</p> <p>3rd June 2019</p>	<p>Enforcement action authorised by planning committee 12/7/18</p>	<p>Enforcement Notice served 26th July 2018 and notice became effective on 24th August 2018 and due to be complied with by 24th October 2018.</p> <p>Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.</p>

			10 December 2020 4 November 2021		<p>Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested –</p> <p>19/0091 – CLEUD not yet determined. Site being monitored.</p> <p>As above. 19/0091 – CLEUD not yet determined. Site being monitored.</p>
E18/0248	RS	Stables Rear of 211-212 Norton Road, Pelsall	4 th June 2019 14 th November 2019 10 December 2020 4 November 2021	Enforcement action authorised by planning committee 18/4/19 	<p>Enforcement Notice served on 3rd May 2019 and notice is to be effective on 5th June 2019. Compliance date is 5th December 2019.</p> <p>Appeal lodged 3rd June 2019, awaiting validation by PINS. Requested to be a Public Inquiry.</p> <p>No update matter still with PINS to set Inquiry date</p> <p>Inquiry set for 8th June 2021. Council's case is being prepared.</p> <p>PINs confirm the appeal decision will be issued within the next few weeks.</p>
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	3 rd June 2019	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for material change of use and operational development on 28 th May 2019, notice will be effective on 27 th June 2019. Compliance to be undertaken by 27 th Sept 2019.

			14 th November 2019		Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28 th June 2019, effective on 30 th July 2019 and compliance due 20 th October 2019. Appeal has been lodged.
			17 July 2020		Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans
			20 July 2020		Planning Inspector confirmed the appeal had been withdrawn
			10 December 2020		Checking compliance on site
			4 November 2021		Further monitoring required.

Table 2 - Historical Cases under review following Committee Resolutions

Case Number	Case Officer(s)	Address	Date of committee authorisation for Enforcement Action	Type of action and date of issue	Current position
E14/0338	AI	17 Newport Street, Walsall	<p>26/10/2004</p> <p>10th December 2020</p> <p>4 November 2021</p>	Listed Building Enforcement Notice and Prosecution	<p>Continued non-compliance with Listed Building Enforcement Notices for installation of second floor windows and painting exterior of building. Also other external alterations including first floor windows continue to be an offence. Case has been reviewed. Consolidated report being prepared with intention to report to committee in the near future. An invalid planning application has been submitted in an attempt to regularise the listed building breaches. Currently awaiting an update from the Building Conservation Officer. A site visit was undertaken on 10th May 2016 and further discussions have taken place. Planning application 16/0120 was valid 24/6/16 with officers requesting amendments. To date this still remains outstanding.</p> <p>Planning application 16/0120 is under consideration and enforcement action in abeyance at this time.</p> <p>Planning application 16/0120 remains undetermined.</p>

E08/0246	RS	Land at Canalside Close, Walsall	<p>9/1/2007</p> <p>5th June 2018</p> <p>10th December 2020</p> <p>4 November 2021</p>	<p>Enforcement Notice – 5/11/2007</p>	<p>Erection of boundary wall, building and gates. Appeal partially upheld on 15/8/08. Planning permission granted subject to conditions for a change of use to motor vehicle salvage and breakers yard including alterations to the boundary wall by September 2012 subject to time limit actions. Actions not complied with. Discussions with new tenant and advice sought from officers regarding a new planning application to address the issues. Site visit undertaken on 13th April 2016. Site was locked up and secured with nobody on site. Sign on wall outside states that the facility will be opening soon. Contact is to be made with the current owners to ascertain their intentions. A further monitoring visit is proposed to assess the situation.</p> <p>New case officer to assess site and recommend actions.</p> <p>Site visited and at this time considered not expedient to seek reduction in wall height. Case to remain open and be reviewed if use of site changes.</p> <p>As per the 5 June 18 comments.</p> <p>No change to previous updates. Recommend closing the case.</p>

E13/0042	RH	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	<p>Change of use to deposition of waste material. Enforcement Notice issued. Appeal lodged but subsequently withdrawn. Enforcement notice compliance period expired April 2014. New EIA Screening Opinion issued 11/12/14 confirming Environmental Statement not required. Planning permission 15/0333/FL was granted on 8th January 2016 for earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. The permission requires commencement of the works within 12 months of the grant of permission to remedy the issue of unauthorised waste on site. Works have progressed on site and are likely to have triggered commencement under permission 15/0333/FL. Commencement of permission confirmed as 14th October 2016 and works are required to be completed by 14th October 2017. A further planning application under 16/1883 was approved on 2nd May 2017 to vary conditions under 15/0333/FL regarding importation of materials, drainage, flooding and mining risk. The conditions are currently in the process of being discharged.</p> <p>Site being monitored for compliance with Planning application 16/1883.</p> <p>No further changes. Recommend closing the case.</p>
			February 2018		

			<p>19th Dec 2018</p> <p>4th June 2019</p> <p>10th December 2020</p> <p>4 November 2021</p>		<p>At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application.</p> <p>Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.</p> <p>Planning permission granted on 28th June 2019 and can be implemented up to June 2022.</p> <p>Discussions on-going with internal service areas on current status of site.</p>
E14/0280	RS	Middlemore Lane West – Former GKN	<p>September 2014</p> <p>10th December 2020</p>	Enforcement Notice	<p>Owners have removed the unauthorised embankment and are in discussions with officers for the submission of a planning application to landscape the front of the site.</p> <p>Meeting to be proposed with planning case officer to ascertain the current situation.</p> <p>EG as new case officer to monitor site and advice on action to be undertaken.</p> <p>To be reviewed by new enforcement officer.</p>

			4 November 2021		Recommend closing the case as works exceed more than 4 years.
E15/0260	RS	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15 10 th December 2020 4 November 2021	Enforcement Notice	<p>The operators of the site have begun proceedings with officers of the Council to look at improving the provision of care available to residents including registration with the Care Quality Commission (CQC) to operate as a care home and ensure compliance with planning application 12/1400/FL. The measures put forward are being considered by officers. Officers are negotiation with the applicants on the terms of the revised s106 and will be preparing a report to update Members on the situation.</p> <p>To be reviewed by new enforcement officer.</p> <p>Previous enforcement officer recommended the case be closed on 12.10.18 due to no restrictive conditions attached to the permission and the ability to change use within the Use Classes Order. Recommend closing the case.</p>
E14/0323	RS	39 Shire Ridge, Walsall Wood	01/09/16	Enforcement action authorised by 01/09/16 planning committee	<p>The fence and wall to the side have been reduced in height in accordance with the approved planning application. The owners have been advised that an application will be required for the change in levels of the rear garden.</p> <p>Officers in negotiation regarding this matter.</p>

			2020 4 November 2021		<p>Reviewing the file. Previous enforcement officer re-assessed the case confirming the level of harm is not expedient to pursue, recommended closing the case.</p> <p>No change to previous update. Recommend closing the case.</p>
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