

## **PLANNING COMMITTEE – 10<sup>th</sup> December 2020: 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	<b>10<sup>th</sup> December 2020</b>	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. <b>Currently using due diligence to seek land ownership details prior to serving notice.</b>
E11/0274	RS	12-14 Lower Lichfield Street, Willenhall	2/5/2013  25 <sup>th</sup> Sept 18  19 <sup>th</sup> Dec 2018  14 <sup>th</sup> November 2019  <b>10<sup>th</sup> December 2020</b>	S215 Notice issued 28 <sup>th</sup> June 2012.	Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned.  Warning letter with regards action sent January 2018 and site to be monitored.  Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.  Action in abeyance as a planning application for redevelopment of the site is under consideration.  <b>To be reviewed by new enforcement officer.</b>
E17/0135	RH	Three Crowns Public House	2 <sup>nd</sup> April 2015		Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential

			3 <sup>rd</sup> August 2017	<p>caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINC. Compliance period ends on 29<sup>th</sup> 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>
			5 <sup>th</sup> June 2018	Appeal confirmed as valid by PINS. Start date of 11 <sup>th</sup> May 2018.
			25 <sup>th</sup> Sept 18	Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.
			19 <sup>th</sup> Dec 2018	Appeal site visit booked for 7 <sup>th</sup> January 2019.
			11 <sup>th</sup> March 2019	Appeal dismissed notice upheld slight amendment to remove elements relating to tidying the site on 26 <sup>th</sup> February 2019. Works to be completed within 90 days.
			3 <sup>rd</sup> June 2019	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.

			14 <sup>th</sup> November 2019		Further works have been undertaken to address the notice requirements, still awaiting confirmation from owner with regards to ecological issues.
			10 December 2020		<b>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.</b>
E15/0366	RS	100 Whitehorse Road, Brownhills	01/09/16	Enforcement Notice served 29 <sup>th</sup> August 2017	Bike shed adjacent highway –Enforcement notice served on 29/06/17. Comes into effect 03/08/17. Notice has been appealed and documents with PINS for consideration. Appeal Site Visit in July 2018.
			5 <sup>th</sup> June 2018		
			25 <sup>th</sup> Sept 18		Appeal dismissed and notice now stands. Owners written to and informed structure needs to be removed by 28 <sup>th</sup> September 2018.
			19 <sup>th</sup> Dec 2018		Owners contacted and requested extension of time period to comply due to family bereavement, agreed for completion by 31 <sup>st</sup> December 2018, site to be monitored in January 2019.
			11 <sup>th</sup> March 19		Monitoring visit undertaken and notice not complied with papers being prepared for legal action to seek compliance.
			3 <sup>rd</sup> June 19		Prosecution papers under preparation

			14 <sup>th</sup> November 2019  <b>10<sup>th</sup> December 2020</b>		No further update  <b>Structure has been removed Notice complied with.</b>
E17/0463	RS	Land south of Cartbridge Lane	25 <sup>th</sup> Sept 18  19 <sup>th</sup> Dec 2018  3 <sup>rd</sup> June 2019  <b>10 December 2020</b>	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 26 <sup>th</sup> July 2018 and notice became effective on 24 <sup>th</sup> August 2018 and due to be complied with by 24 <sup>th</sup> October 2018.  Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.  Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested –  <b>19/0091 – CLEUD not yet determined. Site being monitored.</b>
E17/0192	RH	10 Alexandra Road	12 <sup>th</sup> April 2018  25 <sup>th</sup> Sept 18  19 <sup>th</sup> Dec 2018  3 <sup>rd</sup> June 2019	Enforcement action authorised by planning committee 30/11/2017	Enforcement Notice served 12 <sup>th</sup> April 2018 was effective on 13 <sup>th</sup> May 2018 and due for compliance on 13 <sup>th</sup> August 2018.  Compliance has not occurred matter to be referred to legal.  No further update

			<p>14<sup>th</sup> November 2019</p> <p><b>10 December 2020</b></p>		<p>Monitoring visit undertaken and notice not complied with papers being prepared for legal action to seek compliance.</p> <p>Action in abeyance as a new application submitted.</p> <p><b>Planning application 19/1037 currently being processed. Amended plan sought on the 1 October 2020 not yet received. Continuing to chase applicant. Application to be determined in the near future and the enforcement position reviewed.</b></p>
E18/0248	RS	Stables Rear of 211-212 Norton Road, Pelsall	<p>4<sup>th</sup> June 2019</p> <p>14<sup>th</sup> November 2019</p> <p><b>10 December 2020</b></p>	Enforcement action authorised by planning committee 18/4/19	<p>Enforcement Notice served on 3<sup>rd</sup> May 2019 and notice is to be effective on 5<sup>th</sup> June 2019. Compliance date is 5<sup>th</sup> December 2019.</p> <p>Appeal lodged 3<sup>rd</sup> 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><b>Inquiry set for 8<sup>th</sup> June 2021. Council's case is being prepared.</b></p>
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	<p>3<sup>rd</sup> June 2019</p>	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for material change of use and operational development on 28 <sup>th</sup> May 2019, notice will be effective on 27 <sup>th</sup> June 2019. Compliance to be undertaken by 27 <sup>th</sup> Sept 2019.

			14 <sup>th</sup> November 2019		Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28 <sup>th</sup> June 2019, effective on 30 <sup>th</sup> July 2019 and compliance due 20 <sup>th</sup> 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
			<b>10 December 2020</b>		<b>Checking compliance on site</b>
E15/0207	RS	11 Excelsior Grove	14 <sup>th</sup> November 2019	Enforcement action authorised by planning committee 18/4/19	Material change of use and operational development served on 6 <sup>th</sup> June 2019, to be effective on 9 <sup>th</sup> July 2019 and compliance due by 9 <sup>th</sup> October 2019. Monitoring visit notes that works have not been undertaken, now seeking compliance with notice.
			<b>10 December 2020</b>		<b>20/0665 current planning application under assessment with the Decision due by 22/12/20</b>

**Table 2 - Historical Cases under review following Committee Resolutions**

[illegible]

			<p>5<sup>th</sup> June 2018</p> <p><b>10<sup>th</sup> December 2020</b></p>		<p>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 13<sup>th</sup> 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><b>As per the 5 June 18 comments.</b></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 8<sup>th</sup> January 2016 for earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the</p>



			February 2018  <b>10<sup>th</sup> December 2020</b>		<p>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 14<sup>th</sup> October 2016 and works are required to be completed by 14<sup>th</sup> October 2017. A further planning application under 16/1883 was approved on 2<sup>nd</sup> 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><b>No further changes. Recommend closing the case.</b></p>
E13/0103	RS	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site.</p> <p>Officers have been negotiating with developers who intend to submit a planning application early 2017.</p>

			<p>November 2017</p> <p>May 2018</p> <p>19<sup>th</sup> Dec 2018</p> <p>4<sup>th</sup> June 2019</p> <p><b>10<sup>th</sup> December 2020</b></p>	<p>The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues. Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17</p> <p>As there is a current application in for consideration at this stage it is not expedient to pursue formal action.</p> <p>Site visited, action to remain in abeyance pending outcome of application.</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><b>Planning permission granted on 28<sup>th</sup> June 2019 and can be implemented up to June 2022.</b></p>
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E14/0280	RS	Middlemore Lane West – Former GKN	September 2014       <b>10<sup>th</sup> December 2020</b>	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><b>To be reviewed by new enforcement officer.</b></p>
E15/0260	RS	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15       <b>10<sup>th</sup> December 2020</b>	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><b>To be reviewed by new enforcement officer.</b></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>

			<b>10<sup>th</sup> December 2020</b>		<p>Officers in negotiation regarding this matter.</p> <p><b>To be reviewed by new enforcement officer.</b></p>
E13/0063	RH	Land adjacent to 26 Bradley Lane	<p>19<sup>th</sup> Dec 2018</p> <p>3<sup>rd</sup> June 2019</p> <p><b>10<sup>th</sup> December 2020</b></p>		<p>The carrying out of engineering works to alter land levels and create access onto the highway, laying down of hard-surfacing, the erection of boundary gates and fencing, the erection of two stabling blocks and the partial construction of a storage barn. Applicant contests that the access has lawful use rights and there is a current certificate of lawfulness to be determined. Appeal decision concluded requiring the serving of a revised notice. Application for Certificate of Lawful Use (16/1096) valid 22/11/16. Granted 7<sup>th</sup> June 2018 for the keeping of 7 horses.</p> <p>Following committee on 1<sup>st</sup> November former case officer has meet owners and a new application for the retention and relocation of the stables is due to be submitted in the new year to address the outstanding breaches. Action in abeyance pending outcome of any application.</p> <p>Held in abeyance pending outcome of planning application 19/0476 to relocate and complete construction of barn.</p> <p><b>Reviewing the file. Previous enforcement officer re-assessed the case confirming the level of harm is not expedient to pursue, recommended closing the case.</b></p>

