

PLANNING COMMITTEE – 1st December 2022: 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.
			10 March 2022		1 appeal is currently being dealt with by (adjourned) public inquiry now set for 17 th May 22. Other 2 written representation appeals waiting for PINS decision
			17^h Nov 2022		Appeals Dismissed. 3 months compliance period expires 22-11-22. Compliance to be monitored.
E17/0463	RS	Land south of Cartbridge Lane	25 th Sept 18	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 26 th July 2018 and notice became effective on 24 th August 2018 and due to be complied with by 24 th October 2018.
			19 th Dec 2018		Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.
			3 rd June 2019		

			<p>10 December 2020</p> <p>10 March 2022</p> <p>17 Nov 2022</p>		<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> <p>CLEUD application allocated to new case officer to progress. A review of the application indicates that it would not address the Enforcement Notice requirements. Consideration being given on potential prosecution.</p>
E18/0248	RS	Stables Rear of 211-212 Norton Road, Pelsall (Pelsall Stop)	<p>4th June 2019</p> <p>14th November 2019</p> <p>10 December 2020</p>	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>

			10 March 2022		Appeal decision received (part allowed and part dismissed). Site is being monitored for compliance.
			17 Nov 2022		Work underway on the necessary Appropriate Assessment under the Habitat Regulations prior to the compliance works being undertaken.
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	3 rd June 2019 14 th November 2019 17 July 2020 20 July 2020 10 December 2020 10 March 2022	Enforcement action authorised by planning committee on 18/4/19	<p>Enforcement Notice served for material change of use and operational development on 28th May 2019, notice will be effective on 27th June 2019. Compliance to be undertaken by 27th Sept 2019.</p> <p>Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28th June 2019, effective on 30th July 2019 and compliance due 20th October 2019. Appeal has been lodged.</p> <p>Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans</p> <p>Planning Inspector confirmed the appeal had been withdrawn</p> <p>Checking compliance on site</p> <p>Owner has been reminded of obligations to clear the site in accordance with legal undertaking. Further monitoring taking place.</p>

			17 Nov 2022		Caravans have been removed from the site. The owner to be reminded to clear the site of the remaining fence panels.
E21/0066	RS	Arrow Industrial Estate	10 March 2022 17 Nov 2022	Enforcement action authorised by Planning Committee 6/1/21	<p>A Planning Contravention Notice has been served and responses informed the Enforcement Notice which was served on 25 February.</p> <p>Advice provided to new site owner. Clearance works are ongoing and a review to be carried out in the New Year.</p>
E21/0315	RS	Wood Farm Cottage, Wood Lane, Willenhall	10 March 2022 17 Nov 2022	Enforcement action authorised by Planning Committee 6/1/21	<p>Following expiry of Temporary Stop Notice, no works on site have resumed, therefore enforcement notice not currently required. The situation is being monitored and a planning application is expected.</p> <p>New planning application lodged and valid on 28th June 2022 under reference 22/0619. Any enforcement action will therefore be held in abeyance until application is determined.</p>
E21/0137	RH	44 Mill Lane, Willenhall	10 March 2022 17 Nov 2022	Breach of Condition Notice (BCN) authorised and served under delegated powers 7/2/22	<p>Failure to adhere to approved plans as required by Condition 2 of permission 19/1497. BCN requires roof shape and other design details to revert to approved scheme by 7 May 2022.</p> <p>Site monitoring required to determine whether compliance has been achieved.</p>

E20/0160	RH	53 Charlemont Rd, Walsall	10 March 2022 17 Nov 2022	Enforcement notice served on 29 October 2021 requiring demolition of wall, removal of hard surface	Enforcement Notice appealed. Currently waiting for Planning Inspectorate to confirm hearing date. Appeal decision made 7 September 2022. Enforcement notice quashed and permission granted for brick walls, pillars, land level changes and hard-surfaced driveway (Ground A). Grounds B, C and D are dismissed. Planting plans to be submitted in December in relation to replacement planting for the lost TPO tree. Site to be monitored.
E21/0104	RS	117 Sandringham Avenue, Willenhall	17 Nov 2022	Enforcement notice served on 28 October 2022 requiring removal of unauthorised structures and associated works	Valid appeal has been lodged and a hearing is to take place. Hearing date to be confirmed.
E22/0138	RS	8 Brookhouse Road, Walsall	17 Nov 2022	BCN issued 10 August 2022 requiring works to dwelling to be revised to reflect the planning permission.	BCN revoked on 1 Nov 2022 due to inaccuracies within the applicant's submitted plans. Retrospective planning application likely to be submitted to try and regularise the position. Case will be monitored.

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 October 2004</p> <p>10 December 2020</p> <p>10 March 2022</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>To be reviewed as part of other cases in this area which individually, and cumulatively, have potential heritage impacts.</p>

			May 2018		Site visited, action to remain in abeyance pending outcome of application.
			19 th Dec 2018		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.
			4 th June 2019		Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.
			10 th December 2020		Planning permission granted on 28 th June 2019 and can be implemented up to June 2022.
			10 March 2022		New owner looking to re-develop.
			17 Nov 2022		New planning application submitted for re-development of the site for a foodstore which is being presented to Planning Committee 1st December 2022 - 22/0171.