

Appendix A – Template for reporting updates to Planning Committees on Enforcement Cases that are subject to formal enforcement action.

At the start of the report a summary list will be provided of those cases on which changes have occurred/updates are provided since the previous report was published.

The cases will be organised in to categories based upon current status e.g.

- A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.
- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period
- D. Cases on which a formal enforcement notice has been served, upheld on appeal and is currently the subject of court action
- E. Cases on which a formal enforcement notice has been served, upheld on appeal, and now in the period for compliance following court action
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

All the cases listed are to be assigned a reference letter and number based upon their location within the report, and the paragraph/list at the beginning of the report will make reference to the cases based upon those reference letters/numbers (possibly with a hyperlink to that section of the report).

A copy of this table will be completed for each individual enforcement case

LPA Enforcement Case Reference	
Location / Address	
North or South Area	
Date of Report of Breach	
<u>Nature of Breach:</u>	
<u>Summary timeline of actions on case</u>	
<u>Current Status/Position</u>	
Date by which Compliance expected (or prosecution date)	

Set out below are two examples of how existing cases would appear in these tables

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A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 1/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> We are still in the compliance period. No further action can be taken until that period expires.	
Date by which Compliance expected (or prosecution date)	24/11/2024

F.1

LPA Enforcement Case Reference	N08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<u>Summary timeline of actions on case</u> 15/10/2010 - Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notice’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing	

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31/01/2015 – New planning appeal received for refusal of Application DC/13/3708

03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.

10/11/2015 – Informal hearing held

01/03/2016 – Planning Appeal dismissed

04/08/2016 – Site re-visited three of four Notices have not been complied with.

Trial date set for 21/04/2017. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.

19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.

14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.

21/11/2017 – Mobile home and steps removed from site.

Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.

27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought.

10/09/2018 – Site revisited to check for compliance with Notices.

11/09/2018 – Case referred back to Legal Department for further action to be considered.

11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).

01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.

13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.

04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018

26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee.

27/03/2019, High Court hearing, the case was adjourned until the 03/04/2019

03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non- attendance as was required in the Order of 27/03/2019.

11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.

07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.

05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.

28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020

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<u>Current Status/Position</u> Site visited. Case currently with the Council’s Legal Team for assessment. Charging orders have been placed on the land to recover costs.	
Date by which Compliance expected (or prosecution date)	