

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
September 2003

These cases have previously been reported to Committee, but remain unresolved. The purpose of the Report is to provide a brief quarterly update for Members. Any issues of detail are best raised with Officers before or after Committee.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/292/97/S P7/521		26/11/97	Unauthorised alteration to levels of land	Notice served, no appeal submitted. Compliance date: 09/04/99. Most works required by notice completed. Still building works being carried out to the approved dwelling therefore development not completed.	PS monitoring
ENF/575/96/S P7/538		30/09/98	Agricultural workers. Condition non-compliance	Enf. Notice served, no appeal submitted. Compliance date: 18/06/00, therefore now in breach. 3 rd application submitted to have condition removed still to be determined.	PS to determine application and pursue notice if necessary.
ENF/037/95/N P13/11		28/10/98	31 unauthorised windows in listed building.	Notice served, appeal adjourned & then dismissed. Compliance date: 19/10/00, therefore now in breach. 4 windows replaced & considered acceptable. 37 windows retained but painted white, therefore not in compliance with notice. Owner has stated he is to submit application for LBC to retain windows as painted. LS pursuing costs regarding previous appeals.	PS to hold in abeyance pending submission of application for retention of painted windows. PS to provide LS with costs incurred at appeals. LS to write to owner re. costs.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/006/97/S P13/8		27/10/99	Neglect of listed building	Owner has died. Site is for sale. Very little action that can be taken at the moment.	PS monitoring the site for further structural deterioration and whether the site sold or not.
ENF/001/96/N P13/6		27/10/99	Neglect of listed building	Barn collapsed while new owner carrying out minor repairs required by Building Control to make structure safe. Cadw advised. Application for retrospective LBC to regularise matters by having building de-listed now submitted. Awaiting formal response from Cadw. Planning application received to erect building for 2 residential units.	PS to process applications dependent on response from Cadw.
ENF/302/98/S P13/10		27/10/99	Neglect of listed building – Ancient Monument	Ancient Monument & Listed Building. Cadw agreed 100% funding for full survey of remaining walls. As an Ancient Monument DCC have no planning powers in this matter.	PS continue to press Cadw for action.
ENF/432/99/S P7/543		26/01/00	Residential use of caravan	Notice served, appeal by way of Public Inquiry. Appeal held in abeyance. Planning permission granted for residential caravan for 3 years.	Appeals withdrawn in light of temp. planning permission. Bring up in 3 years time. NFA for now.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/001/99/N P13/5		09/05/00	Neglect of listed building	New owner in negotiation with PS re: submission of planning application, application for LBC and building regulations application to renovate the site for residential units.	PS hold any action pending submission of application. PS have also written to owner stating need to make urgent improvements to appearance of building, secure scaffolding etc.
ENF/127/00/S P13/13		28/06/00	uPVC windows and door	Notice served, no appeal submitted. Compliance date: 27/04/02, therefore now in breach. New owner reluctant to comply with Notice & has confirmed will submit an application for LBC for installation of "heritage" uPVC window.	PS to hold for 2 months (01/09/03) to give new owner opportunity to submit application.
ENF/534/99/S P7/559		28/02/01	Non replacement of 3 felled lime trees subject to Tree Preservation Order	Notice served, no appeal submitted. Compliance date: 25/11/02. 3 replacement trees planted and stock proof fencing erected. Trefor Thompson satisfied planting etc. acceptable.	Notice complied with. NFA.
ENF/434/99/N LB1 – P7/552 LB2 – P7/553 LB3 – P7/555 LB4 – P7/554		28/03/01	Stationing and trading of mobile catering units on Crown Land	Notices served, appeals dismissed. Compliance date: 02/05/03 WAG have erected signs in each of the 4 lay bys advising "no trading" fences also erected in 2 of the lay bys. All permanent units now removed. 1 lay-by still being regularly used during the day by drive on/drive off mobile unit, including usual paraphernalia, flags, signs etc.	PS & LS to assess whether expedient to pursue further action given that permanent structures now removed. SV to be arranged between PS & LS

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/466/00/N P7/577		27/06/01	Unauthorised uPVC shop front	Notice served, appeal dismissed. Compliance date: 27/12/02 Application for replacement timber shop front of a more a sympathetic design approved. Officers have negotiated implementation of new shop front in accordance with grant of permission.	Notice complied with. Successful outcome. NFA
ENF/133/00/S P7/560		25/07/01	Residential twin unit caravan	Notice served, no appeal submitted. Compliance date: 31/10/02, therefore now in breach. 2 Retrospective planning applications refused & appeals dismissed. Appellant has made secured accommodation in a Council house and therefore no longer resides in the caravan. Caravan however not removed as required by the Enf notice. Invalid application submitted for retention of caravan on site to be used as office/store in association with fishing use.	PS to monitor site regarding use of caravan & request further information of applicant so invalid planning application for office/store caravan may be processed.
ENF/2001/004 P7/564		25/07/01	Installation of roller shutters	Notice served, appeal deemed invalid. Compliance date: 21/2/02 Remains in breach of notice. In Court for prosecution on 26/08/03	PS & LS to co-ordinate court appearance, along with unauthorised sign & roller shutter at No. 204
P7/601		23/04/03	Unauthorised stall riser to shop front	Notice served appeal to be submitted by 25/09/03 or Notice complied with by 25/10/03	PS monitoring
P2/43		23/04/03	Illuminated fascia sign	Sign still in place. In court for prosecution on 26/8/03	PS & LS to co-ordinate court appearance, along with unauthorised roller shutter & roller shutter at No. 204

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2001/005 P7/565		25/07/01	Installation of roller shutter	As above	PS & LS to co-ordinate court appearance, along with unauthorised roller shutter & sign at No. 208
ENF/100/01/N P7/572		28/11/01	Breach of Condition. Paint shop front.	Notice served, appeal dismissed. Compliance date: 13/08/02. Shop front painted – paint acceptable.	Notice complied with in that shop front NFA.
ENF/02/007 P7/568		30/01/02	Storage of vehicles and residential use	Notice served, appeal dismissed. Compliance date: 01/04/04	PS monitor compliance date and liaise with EA who are also taking action.
ENF/2002/0002P 7/569		30/01/02	Erection of two storey building	Notice served, appeal dismissed. Compliance date: 13/12/03. Certificate of Lawfulness for garden area granted. Works commenced to reduce height of building so that it falls within permitted development tolerances.	PS to monitor height of building to see if permitted development.
ENF/2002/005 P7/573		27/02/02	Extension to dwelling	Notice served, appeal withdrawn. Compliance date: 02/12/03. Subsequent planning permission granted representing compromise solution.	PS to monitor development & compliance date
ENF/184/99/S P13/17 (unauthorised work) P34/115 (Monoplas)		26/06/02 04/09/02	Neglect of Listed Building. Removal of clock & lead from the roof	Under new ownership	PS in contact with new owners & Phoenix Trust to try and progress Feasibility Study and some remedial work to building, particularly given public safety implications.
ENF/2002/003 P7/581		26/06/02	uPVC windows and door	Notice served, appeal withdrawn on day of Public Inquiry. Compliance date: 22/05/04. Site located within Conservation Area & Article 4(2) Direction area	PS to monitor compliance date. PS written to owner re: details of replacement windows.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/025 P7/580		26/06/02	Mixed use, residential & car sales	Retro. application refused and notice served. Joint appeals by way of Written Representations.	Council statement served, await appeal decision.
ENF/2002/021 P7/351		04/09/02	Siting of mobile home and creation of curtilage	Retro application refused and notice served. Joint appeals by way of Informal Hearing on 9/09/03 (<i>Denbigh T.H.</i>).	PS to prepare Appeal Statement LS to attend as observer PS to provide LS with relevant appeal work
ENF/2002/033 P7/588 (mobile home) P7/586		04/09/02	Installation of fascia sign	Sign in Conservation Area displayed with deemed consent but considered unacceptable, not least as it has enclosed highway furniture. Serve Discontinuance Notice & continue to negotiate with owner to secure improvements to the property.	PS continue negotiations and hold draft Discontinuance Notice in abeyance as may be prepared to alter sign. Continue to liaise with Highways regarding what, if any, action they consider appropriate.
ENF/2002/017 P24/194		04/09/02	uPVC shop front	Notice served. Compliance date: 21/01/04.	PS monitor compliance date
ENF/307/01/S P2/41		04/09/02	Illuminated fascia sign	PS in negotiations with owner of property and unauthorised sign has been changed	PS to visit site, assess new sign & whether expedient to pursue.
15/877/98/MA P47/3		30/10/02	Undetermined ROMP application – extraction continuing	PS have written to the quarry owners legal representative on basis of advice received from Counsel & Committee resolution	Awaiting response on behalf of quarry owner. PS to now follow up a response.
ENF/2002/0043 P7/592		18/12/02	Storage of railway carriages and associated paraphernalia	Notice served, Public Inquiry 16/9/03 (<i>Talardy Hotel</i>). Counsel advice rec'd, supports Council action.	Statement of Case sent, Proof of Evidence to be prepared.
ENF/2003/ P7/		23/07/03	Boundary fence & gates over 2m high	Enf action authorised.	LS to draft Enf Notice

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/0004 P7/602		26/02/03	Fence over 1m high adjacent to the highway	Notice served, compliance date: 28 August 2003. 1 st panel now reduced in height to 1m.	PS satisfied that works to fence acceptable. Enf. Notice complied with. NFA.
ENF/2003/0002 P13/8		26/02/03	Neglect of a listed building	Urgent Works Notice served. Works carried out and funded by THI	PS satisfied urgent works carried out satisfactorily. NFA.
ENF/2003/0003 P2/42		26/02/03	Unauthorised internally illuminated neon sign	Authorisation to prosecute Sign in Conservation Area. Illuminated fascia sign removed and replaced by non illuminated board. Illuminated projecting box sign remains. Owner in discussion regarding replacing with acceptable signs	PS to prepare Statement & Evidence and instruct LS to enter into court. PS to liaise with owner regarding suitable replacement signs.
ENF/2003/010		26/03/03	Unauthorised advanced directional sign	Retrospective application refused. Prosecution authorised. Appeal against refusal submitted. Written Reps statement sent.	Hold prosecution pending outcome of appeal, decision still awaited.
ENF/2003/009		23/07/03	Residential use of caravan and stationing of vehicles	Enf action authorised to secure cessation of use & removal of vehicles.	LS to draft Enf notice

PS – Planning Services

LS – Legal Services

SV – Site Visit

NFA – No Further Action

PLANNING ENFORCEMENT REPORT

REFERENCE : ENF/2003/00028

LOCATION :

INFRINGEMENT : Change of Use of Land by Stationing of Static Caravan for Residential Purposes

CONSTRAINTS : Tidal Floodplan

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 1 – Development Boundary

Policy EMP 2 – Main Employment Area

Policy GEN 6 – Development Control Requirements

CENTRAL GOVERNMENT GUIDANCE

Planning Policy Wales 2002

Technical Advice Note (Wales) 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

Since October 2000 the provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development of land and other related matters. In this instance, the matter under consideration is whether the applicant had the right to site a static caravan on the land to use as his main abode, in conjunction with extra security for the site. These rights have to be weighed up against development policies in being at the time.

No specific human rights issues have been raised by the owner of the property or any other interested person.

1. BACKGROUND INFORMATION

- 1.1 The application site is located on Business Park south west of Rhuddlan and is accessed off the . The Business Park comprises of a mixture of light industrial unit/employment uses, and is located within the settlement limits of Rhuddlan.
- 1.2 The Unit concerned is occupied by who sell garden sheds etc.
- 1.3 In April this year it was reported to Officers of the Council that a static caravan had been sited on the Business Park.
- 1.4 As a result of enquiries in June 2003 it was noted that a static caravan was stationed behind sheds for display on the site and was being used by the owner of the company and his wife as residential accommodation.

- 1.5 There is no planning permission to store a caravan on the land and there are no lawful rights to reside on the land. The use is therefore unauthorised.
- 1.6 In an attempt to regularise this matter, the owner of _____ submitted a retrospective planning application for retention of the caravan and it's residential use.
- 1.7 That application is reported elsewhere on this agenda and has been recommended for refusal. Should Members have agreed with that recommendation it is necessary to seek authority to issue an Enforcement Notice, in order to ensure the caravan is removed and the residential use ceased.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The unauthorised change of use of the land has occurred within the last 10 years.
- 2.2 The site is allocated as a main employment area within the Unitary Development Plan. The siting of a static caravan for the use as residential accommodation is unacceptable in this location.
- 2.3 The unauthorised development is therefore contrary to Policies GEN 1, GEN 6 and EMP 2 of the Unitary Development Plan.
- 2.4 The use of conditions as part of any grant of planning permission for the retention of the unauthorised static caravan for residential purposes could not overcome these objections.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following :
- i) Serve an Enforcement Notice to secure the cessation of the residential use and the removal of the static caravan from that land.
 - ii) Instigate prosecution proceedings, or other appropriate action under the Planning Acts, against the person or persons upon whom any Enforcement Notice or other such Notice is served, should they fail to comply with the requirements thereof.

A REPORT BY THE HEAD OF PLANNING SERVICES

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1** To advise Members of the likely date of any Site Visits requested by the Planning Committee.

2. DATE OF THE SITE VISITS

- 2.1** In consultation with Legal and Administration, it has been decided that the **Monday 8th September 2003** is most suitable. This date has been provisionally booked.
- 2.2** You are advised, therefore that any site visits arranged today will take place on **Monday 8th September 2003**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1** This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

4. RECOMMENDATION

- 4.1** That Members agree to the Site Visits being held on **Monday 8th September 2003**

**Decisions Made by the Head of Planning Services under
Delegated Powers
1st - 31st July 2003
Item For Information**

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

DECISION TYPES

- GRANT** - grant planning permission
- REFUSE** - refuse all types of application
- APPROVE** - approve reserved matters or condition
- CONSENT** - grant listed building, conservation area, or advert consent
- DEEMED** - does not require advert consent
- NO OBJ** - no objection to works to tree(s) in conservation area
- NOT REQ** - proposal does not require permission/consent
- DETERMIN** - determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works)
- P DEV** - proposal found to be permitted development after receipt
- WDN** - application withdrawn by applicant
- INVALID** - application found to be invalid
- CERTIFY** - Certificate of lawful use issued
- RCERTIFY** - refuse to issue certificate of lawful use