

**PLANNING COMMITTEE AUTHORISATIONS FOR ENFORCEMENT AND OTHER ENFORCEMENT  
NOTICES SERVED – LAST 2 YEARS**

**CASE REVIEW REPORT: 24 SEPTEMBER 2014**

*Cases detailed in italics are closed*

<b>REF. NO.</b>	<b>ADDRESS</b>	<b>P/CMTE</b>	<b>BREACH</b>	<b>ACTION</b>	<b>NOTES</b>	<b>CASE OFFICER</b>
<i>ENF/2012/00029</i>	<i>102 Vale St, Denbigh</i>	<i>Delegated</i>	<i>Untidy land</i>	<i>S.215 Notice served 1/10/12</i>	<i>Compliance by 5/2/13  26/2/13 – A Lord served PDP Act notice – not complied with.  Owner failed to comply - 2/8/13 – works in default completed  30/10/13 – letter to owner demanding payment – invoice raised – owner has arranged payment plan.  Case closed</i>	<i>WW</i>
<i>ENF/2012/00027</i>	<i>4 The Paddock, Park St, Denbigh</i>	<i>Delegated</i>	<i>Untidy land</i>	<i>S.215 Notice re-served by hand 30/10/12</i>	<i>Compliance by 30/1/13  Owner failed to comply - 6/9/13 – works in default completed  3/10/13 – letter to owner demand payment of costs for works in default – invoice raised  Case closed</i>	<i>WW</i>
<i>ENF/2012/00031</i>	<i>45 Aquarium St, Rhyl</i>	<i>21/11/12</i>	<i>Unauthorised development –</i>	<i>Enforcement action authorised</i>	<i>Instructions to Legal Services to prepare E Notices sent 22/11/12</i>	<i>WW</i>

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			<i>sub-division of single dwelling prior to agreement on S.106</i>		<i>Original application amended (45/2008/0412/PF) – to retain conversion to three self contained units – granted 9/12/13.  Case Closed</i>	
ENF/2012/00032	1 Willow Court, Rhyl	21/11/12	<i>Unauthorised development – erection of fence over 1m</i>	<i>Enforcement action authorised</i>	<i>Owner has notified Appeal to be lodged  Appeal against refusal lodged 27/3/13 – dismissed  30/10/13 – E Notices served by Legal Services – compliance by 30/1/14  31/1/14 – owner requested more time – further 2 weeks allowed.  S/V 6/3/14 – no change – LBA to owner 7/3/14  10/4/14 – SV – fencing reduced in height.  Case closed</i>	WW
ENF/2013/00006	Y Foelas, Peakes Lane, Denbigh	20/3/13	<i>Unauthorised development – installation of uPVC windows and door in Article 4 area</i>	<i>10/7/13 – E Notices served</i>	<i>Compliance by 8/8/14  4/9/13 – app submitted for replacement windows – 01/2013/0998/PF – granted 28/10/13  S/V 4/4/14 – new timber windows &amp; door inserted as per pp</i>	WW

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					<i>Case closed</i>	
ENF/2012/00010	Isfryn, Glyndyrdwy	Delegated	Untidy land	S.215 Notice served 22/3/13	<p>Compliance by 29/8/13</p> <p>27/9/13 – LBA sent out by LS.</p> <p>14/10/13 - owner's nephew responded – has engaged builder who advised required works will require more time than allowed. To be discussed with nephew.</p> <p>4/11/13 – discussed with nephew – quote from builder £20-25K. Needs to gain approval from owner on whether she has funds to complete repairs or whether property to be sold.</p> <p>29/1/14 – S/V – scaffolding erected</p> <p>17/2/14 – contractor has submitted Building Notice re roof works for BC to approve.</p> <p>S/V 9/4/14 – roof works underway, render removed &amp; new windows inserted – works on-going</p> <p>Further S/V required to confirm works complete.</p>	WW
ENF/2012/00034	8 Pine Tree Walk, Rhyl		Untidy land	S.215 Notice served 22/3/13	<p>Compliance by 29/6/13</p> <p>WID completed 18/12/13</p> <p>17/1/14 – letter to owner seeking</p>	WW

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					costs. Invoice raised. Case closed	
ENF/2013/00007	127-129 High St, Rhyl	20/3/13	Unauthorised development – installation of uPVC shopfront in Conservation Area	Enforcement action authorised – 2 year compliance period	E Notices served 14/10/13 – compliance by 14/11/15. Appeal lodged – 4/12/13 statement submitted 7/5/14 – Appeal upheld Case closed	WW
ENF/2013/00011	26 Butterton Rd, Rhyl	24/7/13	Unauthorised change of use from HMO to four self contained flats	Enforcement Notice served 5/12/13	Compliance by 3/10/14 No Appeal lodged 15/8/14 – reminder sent to owner who responded 20/8/14 stating agent dealing with revised plans & will correspond further re amended layout.	WW
ENF/2013/00008	Amber Coffee House, 85 High St, Rhyl	24/7/13	Unauthorised new shop front	Enforcement action authorised	16/7/13 S/V – coffee shop closed, but unauthorised shop front remains in situ. 30/7/13 – shop front removed by owners. Case closed	WW
ENF/2013/00014	Plas Elwy, The Roe, St Asaph	24/7/13	Unauthorised change of use from residential to mixed residential & vehicle sales	Draft report prepared for P/Comm	10/7/13 – valid app submitted to continue car sales operation for temp period of 3 years – application granted by P/Comm Case closed	WW

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ENF/2013/00010	Craig Villa, Abraham's Lane, Denbigh	24/7/13	Unauthorised development – installation of uPVC windows and door in Article 4 Area	Enforcement action authorised  P/Committee require press release to explain Article 4	11/11/13 – E Notice served – compliance by 15/12/14  Appeal lodged – 29/1/14 statement submitted  9/5/14 – Appeal dismissed – compliance date now 9/5/15.  28/5/14 – owner called to clarify works required. 29/5/14 – letter sent to owner to clarify & seek intended course of action.	WW
ENF/2013/00016	Crown Hotel, Crown Sq, Denbigh	Delegated	Untidy land	S.330 served 11/7/13  S.215 Notice served 23/7/13	Compliance by 26/9/13  25/10/13 - boards removed.  Case closed	WW
ENF/2013/00012	Scout Hall, Middle Lane, Denbigh	Delegated	Untidy land	S.215 Notice served 8/8/13	Compliance by 9/11/13  Application 01/2013/1061 validated 10/9/13 – granted 6/1/14  15/4/14 – S/V – building demolished & site cleared.  Case closed	WW
ENF/2013/00015	Marlborough Hotel, 16 East Parade, Rhyl	Delegated	Unauthorised HMO	Delegated report supported by local Members	30/10/13 – E Notices served by Legal Services – compliance by 30/4/14  Appeal lodged – 13/12/13 statement submitted. Inquiry to be held 20/5/14	WW

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					20/5/14 – Inquiry part heard & adjourned to 3/9/14 – Appellant (unrepresented) produced documents not seen by DCC – ‘hotel booking logs’  Inquiry held 3/9/14 – decision expected by 16/10/14	
ENF/2011/00021	The Money Shop, 83 High St, Rhyl	Delegated	Unauthorised fascia signage	Discontinuance Notice served 20/11/13	Compliance by 20/4/14  6/12/13 – replacement fascia boarding & signage installed.  Case closed	WW
ENF/2013/00013	Land at Coed y Glyn, Glyndyfrdwy, Corwen	Delegated	Unauthorised development – building on agricultural land	Delegated report supported by local Members	7/11/13 - instructions sent to Legal Services for preparation of E Notice  7/4/14 – E Notice served – no appeal lodged – compliance by 7/9/14  Land owner requested further time to comply due to seasonal agricultural pressures. Compliance period extended to 7/10/14	WW
ENF/2013/00024	Lleweni Parc, Mold Rd, Denbigh	Delegated	Unauthorised residential use of static caravan	Delegated report supported by local Members	23/12/13 - instructions sent to Legal Services for preparation of E Notice  6/2/14 – new app submitted to retain residential use of static caravan – 01/2014/0070/PC – service of notice withheld pending review of application by EOC	WW

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					<p>26/3/14 – app refused</p> <p>7/4/14 – E Notice served – compliance by 7/10/14</p> <p>16/4/14 – appeal lodged – Hearing set for 15/10/14</p>	
ENF/2014/00001	Land adj to 21 Stanley Park Ave, Rhyl	Delegated	Untidy land	S.215 Notice served 30/1/14	<p>Compliance by 28/4/14</p> <p>28/5/14 – S/V site cleared. (PP granted for erection of garage for domestic use)</p> <p>Case closed</p>	WW
ENF/2014/00002	Ocean Beach Site, Wellington Rd, Rhyl	Delegated	Breach of Condition 33 attached to 45/2012/1236/PS	Breach of Condition Notice served 7/3/14	<p>Compliance by 7/4/14</p> <p>2/4/14 - submission made to discharge condition – for consideration by PM</p> <p>16/4/14 – letter from GHB to agents advising latest proposals to discharge condition are welcomed &amp; response will be given once revised plans have been considered by all interested Council parties.</p> <p>13/6/14 – S/V – all missing boarding replaced, 95% painted blue remainder painted white undercoat</p> <p>10/7/14 – following meeting between agent/developer &amp; PM/GHB – current proposals are</p>	WW

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					acceptable. Progress to be monitored.	
ENF/2013/00019	Land at Bwlch Cottage, Berwyn, Llangollen	Delegated	1. Unauthorised engineering operation 2. Unauthorised Siting of 2 static caravans	Delegated report submitted to local Members 28/2/14 – view awaited	13/3/14 - instructions sent to Legal Services for preparation of E Notice  E Notice served by Legal 18/9/14 – compliance by 18/4/15	WW
ENF/2014/00005	4 Dyffryn, Pwllglas, Ruthin	Delegated	Untidy land	S.215 Notice served 27/3/14	Compliance by 29/7/14  19/8/14 S/V by Andrea Fisher – 90% compliance with Notice.  27/8/14 – letter to owner to seek full compliance by painting windows, doors & fascia boards  Further S/V required to check progress	WW
ENF/2014/00009	5 Heol y Llys, Rhyl	Delegated	Untidy land	S.215 Notice served 2/4/14 Notice re-served by hand 2/5/14	Compliance by 4/8/14 Andrew Lord served PDP Act notice regarding rear garden.  Andrew Lord to assess site & compliance with both notices	WW
ENF/2012/00020	The Royal Hotel, Bridge Street Llangollen	21/11/2012	Unauthorised Change of Use of Hotel to mixed use Hotel and Hostel housing the homeless	Committee authorised the service of an Enforcement Notice with a 2 month compliance period, requiring the cessation of a mixed use of the hotel as a hostel for housing the homeless and the return to its sole use as a Hotel providing shorter stay	Following Committee's resolution, we received assurances via the owner's Solicitor that the unauthorised use would cease immediately. No further complaints were received and therefore there was no need to serve the Enforcement Notice.	JD



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				<i>accommodation for travellers with permanent addresses elsewhere</i>		
ENF/2012/00033	Bryntirion Farm Rhualt	21/11/2012	Unauthorised change of use of agricultural field to mixed use residential and agricultural Unauthorised development – siting of residential static caravan; erection of tree house and ancillary ladder; zip wire with landing platform	Committee authorised the service of an Enforcement Notice with a 2 month compliance period, requiring: <ul style="list-style-type: none"> <li>(i) Removal of the unauthorised Tree House and Zip Wire from the agricultural land.</li> <li>(ii) Cessation of use of the agricultural land as a play / recreational area and restoration of the land to its previous state as an agricultural field.</li> <li>(iii) Removal of the unauthorised static caravan from the land.</li> </ul>		
ENF/2013/00026	<b>TY CAPEL, WAEN ST ASAPH</b>	19/2/2013	<i>Unauthorised creation of vehicular access onto a classified road.</i>	<i>Committee authorised the service of an Enforcement Notice in circumstances where application(s) attempting to regularise or address the breach of planning and highway control were <b>not</b> submitted within THREE month of authorisation being given. Such Notice would require that use of the vehicular access</i>	<i>Following Committee's resolution, a retrospective planning application was submitted on 20/5/2014 (47/2014/0579) and therefore there was no need to serve an Enforcement Notice. This was GRANTED 30/7/2014.</i>	JD

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				<i>ceases and that the access be reinstated to a pedestrian access only.</i>		
ENF/2014/00006	Aldi Stores, Prestatyn	Delegated	Breach of Conditions	Breach of Condition Notices served 17/4/2014	Service of Notices secured compliance with conditions and encouraged planning application.	JD
ENF/2010/00081	Commerce House, Corwen	Delegated	Untidy Property	Enforcement Notice served	Owner only partially complied with Notice. Successful prosecution in Magistrates Court on 15/7/2014 for non-compliance with the Notice. Owner found guilty and given conditional discharge for 12 months rather than a fine. Costs awarded to DCC (£126.50 Investigative costs and £150 legal costs). Since the prosecution, the site has been monitored and the owner has clearly been more motivated to comply. Further works required by the original notice have since been carried out and only 1 item of works remains to be completed.	JD
ENF/2014/00017	Vale Country Club, Ruthin	Delegated	Breach of Conditions	Breach of Condition Notices served 11/8/2014	Service of Notices secured the submission of a retrospective planning application.	JD
ENF/2012/00028	Land to Rear of 2 Allt y Graig, Dyserth	Delegated	Untidy Land	S.215 Untidy Land Notice served	Owner failed to comply with the Notice. Successful prosecution in Magistrates Court on 16/9/2014 for non-compliance. Owner found guilty and fined £200. Costs awarded to DCC (Victim surcharge £20, Investigative costs £50 and Legal costs £130). The site will now be monitored and if he continues not to comply a further prosecution will follow.	JD