

**PLANNING COMMITTEE AUTHORISATIONS FOR ENFORCEMENT AND OTHER ENFORCEMENT
NOTICES SERVED – LAST 3 YEARS**

CASE REVIEW REPORT: 23 JANUARY 2013

Cases detailed in italics are closed

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
<i>ENF/2008/00127</i>	<i>Land to rear of St Saeran's, Llanynys</i>	<i>18/2/09</i>	<i>Unauthorised Change of Use from Agricultural field to mixed non-agricultural use & storage of containers</i>	<i>S.171A Notice served on 11/6/10</i>	<i>Compliance achieved. Mixed use ceased. Case closed</i>	<i>JE</i>
<i>ENF/2009/00069</i>	<i>Land at Bridgemere, Rhuallt</i>	<i>20/1/10</i>	<i>Unauthorised Steel-framed Structure</i>	<i>S.171A Notice served on 6/5/10</i>	<i>Compliance achieved – Structure dismantled Case closed</i>	<i>JE</i>
ENF/2010/0005	Newgrove House, 2 Yew Tree Close, St Asaph		Breach of Condition attached to 46/2009/0050/PS	Breach of Condition Notice served 1/2/10	Protracted negotiations with land owner & complainant over the production of appropriate plans for approval. Matter now drawing to a close. 1/11/12 – latest draft discussed with complainant, who is generally content. Awaiting confirmation from senior drainage engineer that plans are acceptable. 26/11/12 – senior drainage engineer confirms latest plan acceptable – has advised land owner & sought start date for required works. Land owner consulting contractor	WW

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
ENF/2009/00043	Cartref, Lower Foel Rd, Dyserth		Untidy land	Untidy Land Notice served 7/7/09 – compliance by 6/10/09	<p>Notice not complied with. Owner prosecuted and convicted at Denbigh M/Ct 28/6/10 – fined £100, costs £749.</p> <p>11/10/10 Legal Services confirm Court fine and costs paid.</p> <p>Contractor engaged & has completed works in default – invoice received & forwarded for payment (£3,872). Charge registered with Local Land Charges.</p> <p>Consideration being given to enforced sale. Further considered 11/12/12 following Empty Homes Agency seminar – additional notices under legislation allowing a ‘first charge’ to be registered being progressed.</p>	WW
ENF/2009/00087	73 Love Lane, Denbigh		Untidy land	Untidy Land Notice served 5/2/10 – compliance by 17/3/10	<p>Notice complied with.</p> <p>Case closed</p>	WW
ENF/2010/00004	Ty Isa, Clocaenog	17/2/10	Unauthorised Garage/Store not built in accordance with approved plan on PP 11/2007/0726	S.171A Notice served	<p>Compliance achieved – Structure re-built in accordance with approved plan.</p> <p>Case closed</p>	JE
ENF/2010/00011	1 St Asaph Rd, Dyserth	14/4/10	Fencing and boundary wall in excess of 1m adjacent to a highway	Enforcement action authorised by P/Comm 14/4/10	<p>Instructions forwarded to Legal Services 21/4/10 – preparation of Notices to be postponed as site meeting with contractor suggests owner now willing to comply.</p> <p>S/V 13/5/10 – fencing completed and reduced in height, block enclosure remains.</p> <p>S/V 16/6/11 – wall now permitted development.</p> <p>Case closed</p>	WW

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ENF/2010/00010	Abbey Garage, Rhyl Rd, Denbigh	14/4/10	Unauthorised change of use from fish & chip shop to hand car wash	Enforcement action authorised by P/Comm 14/4/10	E Notices served 6/5/10 – for compliance 14/6/10. S/V 3/6/10 – car wash operation now ceased following intervention – all related signage removed. Case closed	WW
ENF/2010/00021	Crown Garage Development, Crown Lane, Denbigh		Breach of Condition attached to 01/2007/1132/AC	Breach of Condition Notice served 20/5/10	Notice served awaiting compliance by 20/7/10 S/V 20/7/10 required work undertaken. Case closed.	WW
ENF/2009/00039	Plas Derwen, Abbey Rd, Llangollen	N/A	Breach of Condition3 (03/2008/0918/PF and Appeal Decision APP/R6830/A?09/2 093038)	S.187A Notice served 30/6/10	Compliance achieved. Case closed	JE
ENF/2010/00061	Plas Chambres Farm, Denbigh		Breach of Condition attached to 01/2009/0660/PC	Breach of Condition Notice served 11/8/10	Notice served awaiting compliance by 11/9/10 Plan required to discharge condition received 9/9/10 – condition discharged. Case closed	WW
ENF/2010/00041	Dolafon, Rhyl Rd, St Asaph	28/7/10	Unauthorised change of use of land	Enforcement action authorised by P/Comm 28/7/10	Application to regularise refused by P/Comm 11/5/11. Instructions to Legal to prepare Notices sent 26/5/11. Enforcement Notices served 27/10/11 – for compliance by 29/3/12. Application submitted to retain use of site for commercial vehicles – invalid. S/V 23/3/12 – partial compliance S/V 25/4/12 – as above – stored caravans and damaged cars removed. Legal Services sent LBA – final S/V after	WW

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					27/8/12. 18/7/12 – DC Manager has undertaken site mtg with owner & Member. Owner has agreed to remove static caravan in barn and static caravan near dwelling. Application 40/2011/1516/PC validated for retention of commercial use. Legal Services informed. Application refused – site meeting arranged for 22/11/12 – cancelled. Awaiting site meeting to be arranged.	
ENF/2010/00059	Land adjoining Nant yr Hafod, Llandegla	1/9/10	Unauthorised Storage of Caravan & derelict Landrover	S.171A Notice served on 17/1/11	Compliance achieved – Items removed from the land Case closed	JE
ENF/2010/00004	Ty Isa Cottage, Clocaenog	N/A	Breach of Conditions 7 & 13 (11/2004/0100/PF & 11/2004/0101/LB)	S.187A Notice served 23/9/10	Compliance achieved Case closed	JE
ENF/2010/00084	Land between Greycote and Highfield, Prestatyn	N/A	Breach of Condition	S.187A Notice served 30/9/10	Compliance achieved Case closed	JE
ENF/2010/00084	Land between Greycote and Highfield, Prestatyn	N/A	Breach of Conditions	S.187A Notice served 14/10/10	Compliance achieved Case closed	JE
ENF/2009/00086	2 Elmsway Drive, Prestatyn	N/A	Untidy Land	S.215 Notice served 18/10/10	Compliance achieved – Land tidied Case closed	JE
ENF/2010/00090	74 Gronant Rd, Prestatyn	N/A	Breach of Condition 2 (43/2004/0973)	S.187A Notice served 22/10/10	Pre-commencement condition not complied with and therefore original commencement unlawful. Owner advised they would need a new planning application if they still wished to develop the site .Case closed	JE

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES	CASE OFFICER
ENF/2010/00081	Commerce House, Corwen	29/9/10	Neglect of Listed Building	Urgent Works Notice served 19/1/11	Partial compliance achieved. Roof protected. Site currently being monitored by Regeneration Enforcement Group.	JE
ENF/2010/00079	Ruthin School, Mold Rd, Ruthin	29/9/10	Unauthorised Use of Tennis Courts as Car Park	None required.	Complied before Notice served once informed of Committee Decision. Case closed	JE
ENF/2010/00047	2 Bro Havard, St Asaph		Untidy Land	S.215 Notice served 20/10/10	Further S/V 24/5/11 – property vacant – remains 'untidy'. Case officer arranged for clearance work to be undertaken by Community Payback Team Case closed	WW
ENF/2010/00092	6 Grove Terrace, Princes Rd, Rhuddlan	24/11/10	Unauthorised demolition of boundary wall with pillars over 1m & creation of access onto classified road	Enforcement action authorised by P/Comm 24/11/10	Application for retrospective pp refused & subsequent Appeal dismissed – E Notices served 27/10/11 – for compliance by 29/3/12 – Appeal against notice dismissed 9/5/12. Owner advised of 4 month period for compliance – expired 9/9/12. S/V 11/9/12 – boundary wall reinstated in line with notice. Case closed	WW
ENF/2009/00065	Maes Teg, 9 Weavers Lane, Dyserth		Untidy Land	S.215 Notice served 9/2/11	Compliance required by 9/6/11 – S/V 16/6/11 – required work not undertaken – LBA sent by Legal Services on 17/8/11. S/V 20/9/11 – no change – case listed at Denbigh MC 13/12/11 Defendant convicted in her absence at Denbigh MC. Sentenced as follows: Failing to comply with Untidy Land Notice - fined £175 Failing to comply with Requisition for Information - fined £175 Costs - £559.39 Victim Surcharge - £15	WW

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					<p>28/2/12 – shrubs overhanging pavement cut back by Highways. Property remains untidy.</p> <p>16/8/12 – Legal Services requested to advise on use of injunction.</p> <p>1/10/12 – Legal advise against injunction & suggest further prosecution should action not be taken after 30 days – letter sent 4/10/12.</p> <p>S/V – 7/11/12 – no change – prosecution file submitted 30/11/12</p>	
ENF/2010/00098	Leddens Transport, Ffordd Las, Rhyl	15/12/10	Unauthorised change of use of land	Enforcement action authorised by P/Comm 15/12/10	<p>Enforcement Notice issued pending submission of application seeking to regularise situation re unauthorised car sales. Agent confirms app ready & waiting for fee from applicant. Fire at premises on 22/5/11 – business ceased.</p> <p>S/V by WW on 24/5/11 – all cars for sale removed breach ceased.</p> <p>Case closed.</p>	WW
ENF/2010/00012	4-6 Conway St, Rhyl		Untidy Land	S.215 Notice served 30/7/10	<p>Owners prosecuted for failing to comply with untidy land notice and convicted at Denbigh MC 11/10/11. Each fined £500 and each to pay prosecution costs of £387.</p> <p>HMRC state property forfeited to Crown due to monies owed to HMRC by owner. Contractor engaged at HMRC expense to remove pigeons and pigeon waste. Property tidied. Regeneration now leading on proposals for future use of property.</p> <p>Case closed</p>	WW

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ENF/2009/00048	37 Warren Rd, Rhyl		Untidy Land	S.215 Notice served 1/4/10	Property owned by company in liquidation. Property sold February 2011 by Administrators & cleared. Case closed.	WW
ENF/2008/00130	Land at Brookdale Rd, Rhyl		Untidy Land	S.215 Notice prepared, but not served	19/9/12 P/Comm granted application for pp subject to completion of S.106 within 12 mths Situation being monitored	WW
ENF/2010/00095	33-35 Water St, Rhyl		1. Untidy Land 2. Unauthorised replacement of original windows with uPVC windows of modern design	S.215 Notice served by recorded delivery 26/10/10, but returned un-served 22/2/11	Untidy land issue resolved by renovation of building – which involved replacing original windows resulting in complaint from Conservation Section – ‘material change’. Enforcement report authorised by P/Comm 21/12/11. 6/1/12 – owner suggests that required works will be undertaken & period of time allowed for arrangements to be made before E Notice prepared. 26/4/12 – unauthorised windows replaced Case closed	WW
ENF/2010/00055	57 Pendre Ave, Rhyl		Untidy Land	S.215 Notice served	20/12/10 - proceedings taken for non-compliance – owner convicted, fined £300, costs £437. Works in default undertaken. Full costs (£4,287) recovered from owner. Case closed	WW
ENF/2011/00009	Fairholme Preparatory School, St Asaph		Breach of Condition re use of all weather surface outside term dates	Breach of Condition Notice served 31/5/11	Compliance with condition re installation of acoustic barrier approved following site tests. Case closed	WW

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ENF/2011/00012	Rock Cottage, Bishopswood Rd, Prestatyn	N/A	Untidy Land	S.215 Notice served 23/8/11	Partial compliance. Legal Department advised Enforcement Officer not expedient to prosecute owner due to health issues. Case closed.	JE
ENF/2011/00024	5 Mount Ida Rd, Prestatyn	N/A	Breach of Condition 3 (43/2011/0740)	S.187A Notice served 28/11/11	Not expedient to enforce/prosecute for non-compliance as hedge grown thick negating need for fence. Case closed	JE
ENF/2011/00006	Land at Pant y Terfyn, Graianrhyd	15/6/11	Unauthorised Engineering Operation in AONB	S.171A Notices served on 26/10/11 and 10/11/11	Retrospective Planning Application submitted (15/2011/1462) & GRANTED 27/2/12 Case closed	JE
ENF/2011/00007	Dee Meadow, Llangollen	15/6/11	Unauthorised Erection of 2.5m Gate	S.171A Notice served on 26/10/11	Compliance achieved. Gates reduced in height to 2 metres Case closed	JE
ENF/2011/00015	Land at Bod Erw Hotel, The Roe, St Asaph	27/7/11	Unauthorised change of use from part of hotel car park to storage of static caravans	P/Comm authorised enf action	17/10/11 – Appeal lodged against refusal to grant pp. Appeal withdrawn as unauthorised use ceased – confirmed by S/V 29/11/11. Case closed	WW
ENF/2011/00017	29 Pen Tywyn, Prestatyn		Untidy land	S.215 Notice served 2/8/11	Compliance by 30/9/11 S/V 4/10/11 – required works not undertaken. Owners in need of Social Services support. Case officer arranged for assistance from Community Payback Team 17/8/12 – work concluded. Case closed	WW
ENF/2011/00003	Land adjacent to Bodaeron, Ruthin	28/9/11	Unauthorised Change of Use of Land by creation of extension of residential curtilage	S.171A Notice served 26/10/11	Compliance achieved – Fencing removed Case closed	JE

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			<i>by erection of fencing forming partial enclosure</i>			
ENF/2010/00101	23-25 Sussex St, Rhyl		Untidy land	S.215 Notice served 18/10/11	Compliance by 25/2/12. 22/2/12 – S/V property now advertised for sale – review one month. S/V 14/5/12 – Legal Services sent LBA – final S/V after 28/8/12. LBA re-sent by Legal Services 11/7/12 – following comment by agent that owner had not received initial LBA. S/V 31/8/12 – no change. 25/9/12 letter to owner inviting to PACE interview for proceedings. 27/9/12 – tel call from owner – wishing to comply – further time allowed. Situation being monitored.	WW
ENF/2008/00108	5 Ernest St, Rhyl		Untidy land	S.215 Notice served 30/3/10	<i>Failed to comply – works undertaken in default. Property tidied.</i> <i>Solicitors who are dealing with estate of deceased owner are seeking permission to release monies from Court of Protection to reimburse DCC - £2,687.</i> <i>14/8/12 – Solicitors confirm that Court will now release monies and application to Court to be made.</i> <i>Reminder sent by Legal.</i> <i>Enforcement case closed</i>	WW
ENF/2011/00022	Harbro House, Crown Lane, Denbigh		Untidy land	S.215 Notice served 2/9/11	Compliance by 30/12/11 – S/V 5/1/12 owner failed to comply. 27/1/12 contractor appointed to undertake works – completed 1/6/12. Owner cannot be traced – Land Charges updated. Case closed.	WW

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ENF/2009/00017	Rendezvous 29-31 Water St, Rhyl		Untidy land	S.215 Notice served 22/11/11	Compliance by 27/4/12. S/V 14/5/12 – Legal Services sent LBA – final S/V after 28/8/12. S/V 31/8/12 – partial compliance, but south bay window removed. Enforcement action now required for unauthorised material alteration. 18/9/12 - letter to owner setting out LPA position & to query intention. 8/10/12 – owner confirms bay windows to be replaced in two phases as funds allow. Bay to match original. S/V 7/12/12 – no change	WW
ENF/2012/00003	Hardly Nickels, St Peter's Square, Ruthin	15/2/12	Unauthorised Alteration to Listed Shop-front	S.171A Notice served on 22/3/2012	Tenant appealed Notice. Owner supported Council. Hearing held 20/11/12. Currently awaiting decision from HM Inspectorate. Shop owner has instructed tenant to re- paint the shop in its former colours when their lease expires January 1 st 2013.	JE
ENF/2012/00002	51 Russell Rd, Rhyl	15/2/12	Unauthorised adverts	Report to P/Comm	Authorisation given to prosecute if necessary. 16/2/12 – letter sent to manager – responded requesting guidance on type of sign which would be acceptable – provided 23/4/12 – further meeting with Conservation Section – owner agreed to amend advert accordingly – proposal awaited. 17/9/12 – owner confirms required works to be undertaken Owner hospitalised & has obtained estimates £400 & is to undertake works himself – by February 2013 – agreed	WW
ENF/2012/00005	Plas Derwen, Abbey Rd, Llangollen	N/A	Breach of Condition 1 (03/2008/0918)	S.187A Notice served 16/2/12	Commitment obtained to carry out landscaping in accordance with condition 1 during Spring 2013 planting season.	JE

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ENF/2012/00004	6 Bodfor St, Rhyl		Untidy land	S.215 Notice served 6/3/12	Compliance by 6/5/12 S/V 14/5/12 – Legal Services sent LBA – final S/V after 27/8/12. Contractor engaged 6/9/12 – to undertake works in default as owner cannot be traced S/V 20/9/12 – ground floor shopfront works undertaken – works to upper floors still required. S/V 22/10/12 – as above 12/11/12 – query sent to contractors re estimated completion date for works	WW
ENF/2011/00011	22 Llewelyn Court, Rhyl		Untidy land	S.215 Notice served 27/4/12	Compliance by 21/7/12 – S/V 26/7/12 – required works not undertaken. Legal Services have sent LBA – final S/V after 24/9/12 S/V 1/10/12 – no change. 2/10/12 – letter to owner inviting attendance for PACE interview for proceedings 6/11/12 – owner now states required works will be undertaken. Further time allowed for compliance. S/V 3/12/12 – no change owner reminded of options open to DCC 11/12/12 – owner confirms garden cleared & roof works planned weather permitting	
ENF/2012/00013	90 Marion Rd, Prestatyn	N/A	Untidy Land	S.215 Notice served 6/6/12	Enforcement Officer currently considering works in default. Quotations for work obtained.	JE
ENF/2012/00012	Rosfryn, 9 Chester St, St Asaph	20/6/12	Unauthorised development – rear extension	Enforcement action authorised	3/7/12 – letter to agent to clarify applicant's intentions i.e. Appeal or remove extension. 4/9/12 – reminder sent to agent & owners. 4/10/12 – instruction to Legal to prepare Enf Notices 7/12/12 – E Notices served to remove unauthorised extension – for compliance by 9/7/13	WW

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ENF/2012/00016	2 Elmsway Drive, Prestatyn	N/A	Untidy Land	S.215 Notice served 2/7/12	Compliance achieved – property tidied. <i>Case closed</i>	JE
ENF/2010/00006	49 Grange Rd, Rhyl		Untidy land	S.215 Notice served 4/7/12	Compliance by 1/9/12 S/V 6/9/12 – required works not undertaken. Consideration being given to enforced sale prior to works in default being undertaken. Further considered 11/12/12 following Empty Homes Agency seminar – additional notices under legislation allowing a ‘first charge’ to be registered being progressed	WW
ENF/2012/00017	5 Heol y Lllys, Rhyl		Untidy land	S.215 Notice served 7/8/12	Compliance by 3/10/12 S/V 8/10/12 – substantial garden clearance undertaken & sufficient to comply with Notice. <i>Case closed.</i>	WW
ENF/2012/00024	Former Northgate School, 57-59 Russell Rd, Rhyl		Untidy land	S.330 served 15/8/12 as precursor to service of S.215 Notice	S.330 to be returned by 6/9/12 Re-served 30/8/12 at request of one recipient who has verbally agreed to remove waste in question – questionnaire to be returned 20/9/12 S/V 17/9/12 – waste boarding removed. <i>Case closed</i>	WW
ENF/2010/00052	41 Lon Brynli, Prestatyn	N/A	Untidy Land	S.215 Notice served 30/8/12	Partial compliance. Owner in process of completing installation of remaining windows & tidying rear garden.	
ENF/2012/00023	Former Grange Hotel, West Parade, Rhyl		Untidy land	S.215 Notice served 30/8/12	Compliance by 5/12/12 14/9/12 – agent confirms remedial works will be carried out – has been asked to	WW

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					<p>obtain quotes for works required</p> <p>19/11/12 – agent in discussion with Regeneration Section in relation to potential interested parties/other uses for site. Agent has obtained estimates for required works, but still awaiting instructions from owner.</p> <p>S/V 7/12/12 – required works not undertaken. Instructions to be sent to Legal to prepare LBA</p>	
ENF/2012/00022	Former Graham's site / Grosvenor Garage, Westbourne Ave, Rhyl		Untidy land	S.215 Notice served 22/8/12	<p>Compliance by 28/11/12</p> <p>S/V 5/11/12 – no change – reminder letter to owners</p> <p>13/11/12 – tel call from land owners – will commence remedial works w/c 19/11/12</p> <p>S/V 3/12/12 – clearance works undertaken significant improvement – no further action to be taken at this stage.</p> <p>Case closed</p>	WW
ENF/2012/00018	12 Clement Dv, Rhyl		Untidy land	S.215 Notice served 5/9/12	<p>Compliance by 5/12/12</p> <p>Owner has failed to respond to any communication but has accepted S.330 by recorded delivery on 25/7/12</p> <p>S/V 8/10/12 – no change & no Appeal lodged</p> <p>S/V 5/11/12 – no change – reminder letter sent to owner</p> <p>S/V 7/12/12 – no change – instructions to</p>	WW

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					be prepared for Legal Services to forward LBA	
ENF/2010/00058	Pentre Mawr, Llandyrnog	19/9/12	Unauthorised Use of Land for Erection of 3 Tented Chalets	Service of S.171A Notice authorised but service deferred for 6 months	To be reviewed Feb/March 2013	JE
<i>ENF/2012/00021</i>	<i>Land to Rear of Hillside, Rhuallt</i>	<i>19/9/12</i>	<i>Unauthorised Engineering Operation to create hardstanding, erection of Portal-framed Building.</i>	<i>Enforcement Action authorised</i>	<i>Retrospective application 47/2012/1249 Submitted for Change of Use of Land to extend residential cartilage and erection of store/workshop & formation of driveway, parking and turning areas. GRANTED 19/12/12</i> <i>Case closed</i>	<i>JE</i>
ENF/2012/00029	102 Vale St, Denbigh		Untidy land	S.215 Notice served 1/10/12	Compliance by 5/2/13 S/V 5/11/12 – no change	WW
ENF/2012/00030	Land adjoining Tyn Llan Farm, Llandyrnog	N/A	Breach of Condition	S.187A Notice served 2/10/12	Builder's Bank called the Receivers in. Trying to negotiate with Bank to 'gift' the playground area to the Community Council to maintain.	JE
ENF/2012/00030	Land adjoining Tyn Llan Farm, Llandyrnog	N/A	Breach of Condition	S.187A Notice served 23/10/12	See above	JE
ENF/2012/00030	Land adjoining Tyn Llan Farm, Llandyrnog	N/A	Breach of Condition	S.187A Notice served 30/11/12	See Above	JE
ENF/2012/00027	4 The Paddock, Park St, Denbigh		Untidy land	S.215 Notice re-served by hand 30/10/12	Compliance by 30/1/13	WW

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ENF/2012/00020	Royal Hotel, Llangollen	21/11/12	Change of Use of Hotel to a mixed use of Hotel and Hostel for the Homeless	Service of S.171A Notice authorised	Notice currently being prepared by Legal. Owner to meet with Paul Mead and Jill Emerson	JE
ENF/2012/00033	Bryntirion Farm, Rhuallt	21/11/12	1. Unauthorised Change of Use of agricultural field to mixed agricultural/residential use. 2. Unauthorised static caravan, tree house structure and Zip wire	Service of S.171A Notices authorised	Ongoing negotiation with Owner	JE
ENF/2012/00031	45 Aquarium St, Rhyl	21/11/12	Unauthorised development – subdivision of single dwelling prior to agreement on S.106	Enforcement action authorised	Instructions to Legal Services to prepare E Notices sent 22/11/12	WW
ENF/2012/00032	1 Willow Court, Rhyl	21/11/12	Unauthorised development – erection of fence over 1m	Enforcement action authorised	Instructions to Legal Services to prepare E Notices sent 22/11/12	WW