

# Regulatory Committee

3 December 2019

## Planning Enforcement Investigations

### Recommendation

That Members note the information in this report.

#### 1.0 Key Issues

- 1.1 This report is to provide details on current active and recently resolved Planning Enforcement investigations by Warwickshire County Council Planning Enforcement where there has been either formal action taken by the Council or a planning application submitted.
- 1.2 This report does not cover matters being investigated by district or borough councils or other agencies or where the complaint has not been received by Warwickshire County Council.
- 1.3 Section 6.0 contains the current cases under investigation. The cases are divided by district.
- 1.4 Section 7.0 contains a list of recently resolved matters that are no longer under active investigation
- 1.5 Section 8.0 contains a list of sites on the regular regime of monitoring arranged by frequency of visit.

#### 2.0 Options and Proposal

- 2.1 Members may provide feedback on individual cases

#### 3.0 Financial Implications

- 3.1 The cost of the enforcement service can be met within the existing budgetary framework

#### 4.0 Timescale

- 4.1 This report is a six-month update; a further report will be presented in June /July 2020.

#### 5.0 Environmental Implications

- 5.1 The environmental implications will vary from site to site but the effective application of planning controls is essential for the protection of the environment and the achievement of sustainable development.

## 6.0 Planning Enforcement Cases

### NORTH WARWICKSHIRE

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS  <i>Non-compliance with restoration conditions</i>	July 2014	Planning application to redevelop the site refused by NWBC. Appeal submitted; dismissed March 2018. Legal challenge dismissed.	Enforcement Notice being prepared
Marston Fields Farm, Kingsbury Road, Marston, Sutton Coldfield, B76 0DP  <i>1. Failure to comply with conditions re landscaping and aftercare</i>  <i>2. Additional land raising and hard standing</i>  <i>3. New small bund adjacent to highway</i>	December 2014	1 – Some landscape planting undertaken in the winter of 2018 / 2019. Further planting to be carried out in winter 2019 / 2020. 2 – Waste material previously deposited on site to raise land levels and to create a track were removed in summer 2019 and the site restored. 3 – Bund now completed and planted with shrubs / trees. Scale of the bund and the planning history of the site is such that formal enforcement action is not likely to be expedient.	1 – Further works to take place to comply. 3 – Consider formal action if not resolved.
Biogen AD Plant, Merevale Lane, Atherstone, CV9 2LA  <i>Odour nuisance</i>	April 2017	Site visit determined tanks not constructed in accordance with plans. Enforcement Notice issued. Notice appealed. Appeal upheld and notice quashed. PINS granted permission for alterations to tanks to be completed within 3 months subject to details to be approved by WCC.	WCC received some information but insufficient so further details to be submitted. Works commenced to comply with PINS condition.  Matter ongoing.

## **NORTH WARWICKSHIRE continued**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Hartshill Quarry, Mancetter Road, Hartshill, Nuneaton, CV10 0RT  <i>Re-activation of quarry –issues include condition of highway and blasting</i>	August 2017	Various correspondence and site visits. Planning Contravention Notice issued – reply received. Further correspondence. Certificate of lawful use application approved confirming status of plant processing area. Blasting – various meetings and communications. PCN issued to determine compliance with blast plan.	Further applications expected to regularise plant, office building etc. and to regularise phasing of work. These applications are currently invalid.  Discussions on-going with the site operator
Rear of Grange Farm Tamworth Road, Wishaw, B76 9PX  <i>Importation of soils</i>	September 2017	Site visit, Land Registry and letter to land owner. No reply to letter and waste remains in situ. Planning Contravention Notice issued October 2017 and reply received. Waste not removed despite assurances. Enforcement Notice issued February 2019. No appeal.	Revisit to determine compliance with Notice.
High Meadow School, Norton Road, Coleshill	August 2019	Installation of a temporary Classroom building. Matter potentially resolved by the grant of permission NWB/19CC007 but timescales for relocation have become an issue.	Further application submitted on 15/11/19 (NWB/19CC015) which will be considered on 7/1/20.

## **NUNEATON & BEDWORTH**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Griff Quarry, Gipsy Lane, Nuneaton, CV10 7PH  <i>Traffic lights (Breach of Condition / Legal Agreement)</i>	March 2014	Works to reach agreement on traffic lights have stalled. Site operator has undertaken own updated transport assessment which suggests that lights are not required. Planning application NBB/18CM015 submitted.	Await outcome of application. Ongoing discussions with agent.
Canner Aggregates Ltd, Rear of Unit 4, Pool Road, Nuneaton, CV10 9AE  <i>Waste transfer and extension to the site</i>	April 2017	Multiple site visits carried out and some evidence has been gathered. Planning Contravention Notices served and reply received. EA also investigating. Planning application NBB/18CM009 withdrawn prior to determination. Enforcement Notice issued 22 June 2018. No appeal submitted. Operator carried out works in contravention of Notice. Injunction sought and obtained.	Operator failed to comply with injunction so matter referred back to the High Court.  Operator found guilty and fined.  Works undertaken to comply with the enforcement notice.
MAC Contracting, Griff Clara Industrial Estate, Griff Lane, Nuneaton, CV10 7PP  <i>Building contrary to plans, mud/debris on highway, additional waste types</i>	February 2018	Informal site visits and discussions with business and agent. Application (NBB/19CM003) to regularise buildings now approved.  Works to improve wheel wash and road have commenced and are largely complete.	Revisit to ensure operator complying with conditions.

**NUNEATON & BEDWORTH continued**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Circom Ltd, Telford Road, Bayton Road Industrial Estate, Exhall, Coventry, CV7 9ES  <i>Waste processing operation</i>	April 2019	Visited site to establish nature of operation. Advised planning permission needed via letter.	Planning application NBB/19CM015 submitted – awaiting determination.
A B Crushing, Whitacre Road, Nuneaton, CV11 6BW  <i>Waste processing operation</i>	May 2019	Visited site to establish nature of operation. Land owner and operator advised permission required.	The operator was intending to relocate – revisit necessary.

## RUGBY

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Gun Range Farm, Shilton Lane, Shilton, CV7 9LH  <i>Scrap metal storage</i>	2010	Previous visits carried out to ensure waste is on land permitted by previous certificates of lawful use. Site visit July 2018; improvements to site in accordance with legal agreement although further works required.	Further site visit to be arranged to monitor progress.
Charles Trent Ltd, Newbold Road, Rugby, CV21 1HF  1) <i>Extension of operational area (north)</i> 2) <i>Failure to discharge conditions attached to RBC/17CM011</i> 3) <i>Further extension of operational area (east)</i> 4) <i>Further extension of operational area (central)</i> 5) <i>Breach of condition re: HGV numbers</i> 6) <i>New building</i>	December 2014	Planning applications submitted seeking consent for: <ul style="list-style-type: none"> <li>• A new building (retrospective) RBC/19CM006</li> <li>• A small extension to the vehicle storage area (retrospective) RBC/19CM013</li> <li>• Yard extensions and new access (part retrospective) RBC/19CM014</li> </ul>	Await the determination of the three planning applications by committee.

## **RUGBY continued**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Whites of Coventry, Ryton Mill, London Road, Ryton on Dunsmore, CV8 3DX  <i>Breach of conditions (site access), additional waste activity</i>	December 2014	Correspondence and site meetings. Agent working with Highways England in relation to access and producing proposals for unauthorised waste activity.  Potential change of site ownership.	Liaise with existing / potential new owner to resolve outstanding issues.
Foxley Farm, Southam Road, Kites Hardwick, CV23 8AA  <i>Waste importation and land raising</i>	March 2015	Informal visits & letter. PCN issued and reply received. Amount of material increased despite assurances it would be removed. Enforcement Notice issued January 2017; compliance due November 2017. Application submitted; awaiting additional information. (RBC/19CM011)	Await outcome of application
Moonhill Barn, London Road, Stretton-on-Dunsmore, CV23 9HY <i>Waste transfer station</i>	May 2016	Operator is developing authorised site in Warwick. Use did not cease in line with timescales given. Enforcement Notice issued January 2017. Appeal against Notice withdrawn by appellant.	Works to Warwick site progressing which will facilitate business relocation and compliance with the Notice
Holywell House, Watling Street, Shawell, Lutterworth, LE17 6AR  <i>Importation of inert waste material</i>	June 2016	Site visit with operator and owner. Application to regularise works submitted. (RBC/16CM020). Working with Historic England as part of site is Scheduled Ancient Monument. Scheduled Ancient Monument Consent in progress	Submission of revised details to progress application expected once Historic England have issued consent.

## RUGBY continued

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
<p>Land on corner of Main Road and Overstone Road, Withybrook, CV7 9LU</p> <p><i>Inert waste tipping on scheduled ancient monument</i></p>	<p>October 2016</p>	<p>Historic England also investigating. Stop Notice and Enforcement Notice issued June 2017; compliance due January 2018. Non-compliance with Notice. Planning application made to Rugby Borough to retain some of the works. First court hearing 22 January – nullity argument entered; adjourned to 5 March. Further adjournment due to previous trial overrunning; adjourned to 30 April. At hearing 30 April a court listing error resulted in a further adjournment. In the meantime, Historic England had first hearing 5 March which was adjourned to 2 April as only 2 of 3 Defendants appeared. At hearing 2 April not guilty pleas entered and trials to take place in the summer.</p>	<p>Matters now considered and resolved in court.</p> <p>Landowners found guilty and fined.</p> <p>Compliance being progressed with Historic England.</p>
<p>Land at Nettle Hill Conference Centre, Brinklow Road, CV7 9JL</p> <p><i>Inert waste tipping creating a low mound</i></p>	<p>October 2016</p>	<p>Enforcement Notice issued September 2017. Appeal dismissed August 2018.</p> <p>Agent has provided plan showing the removal of material and the reprofiling of the site.</p> <p>The plan has been accepted as complying with the Enforcement Notice.</p>	<p>Material removed from the site and the site is being reprofiled.</p> <p>Revisit site autumn 2019 to determine compliance.</p>



## **RUGBY continued**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Featherstone Farm, Leamington Road, Ryton on Dunsmore, Coventry, CV8 3EL  <i>Soil screening</i>	June 2017	Planning Contravention Notice issued. The works are unlikely to be considered to be permitted development. Further visit determines works require planning permission. PCN issued and reply received. Application expected in first half 2019.	Application RBC/19CM016 submitted but now withdrawn.  Discussions continue with the landowner / operator.
Clews Recycling Ltd, 17, Hunters Lane, Rugby, CV21 1EA  <i>Breach of condition (waste storage)</i>	Officer observation April 2019	Site visit and email to operator.  Site operator has appointed a planning agent who will seek to regularise the situation	Await the submission of a retrospective application.
Greenway Farm, 41 Rugby Road, Pailton, CV23 0QH  <i>Waste (soils) importation</i>	May 2019	Site visited and soils noted. Land owner written to in order to investigate exact nature of breach.	Further site visit required.
The Acre, Lawford Heath Lane, Lawford Heath, CV23 9HG  <i>Car breaking</i>	May 2019	Previously investigated and no breach found. However, change in occupation and activity does appear to consist of car breaking. Letter to owner to gather further information.	The landowner may have required the operator to vacate the site.  Further site visit required.

## STRATFORD

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Land off Kings Lane, Snitterfield  <i>Deposit of waste</i>	December 2012	Notice issued August 2016. Compliance with Notice has not taken place. At court hearing 30 January Defendant did not attend; WCC unable to obtain warrant for arrest so proceedings withdrawn to be resubmitted at a later date. At court 10 July 2018 landowner given 12-month conditional discharge and ordered to pay council costs. Reminder letters sent to owner. Works to comply with Notice commenced April 2019. SDC issued Temporary Stop Notice so these works have ceased and are unlikely to recommence until late May 2019 at the earliest.	Material removed in compliance with the Enforcement Notice.  Compliance confirmed by WCC.  Site now in new ownership.
Land at Whitemoor Lane, Sambourne, B96 6NT  <i>Construction and demolition waste recycling operation.</i>	December 2018	Meeting with landowner and operator. Planning advice given. Owner advises use will cease and operator will relocate. Planning Contravention Notice issued.	Revisit to confirm cessation of use.
Hill Farm, Danzey Green, Tanworth-in-Arden, B94 5BJ  <i>Waste storage and burning on site</i>	December 2018	Letter to land owner. Site visit shows waste still present. Further letter to owner. Legal Services instructed to issue Planning Contravention Notice.	Joint working with Environment Agency may have resolved this matter.  Further site visit required.

## STRATFORD continued

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Walnut Hill Farm, Ullenhall, B95 5NQ <i>Importation of waste</i>	January 2019	Site visit. Legal Services issued Planning Contravention Notices. Reply received.	Meeting with representatives of Ullenhall parish Council arranged for 20/11/19.
Land off Fosse Way, Moreton Morrell  <i>Inert waste recycling</i>	Officer observation January 2019	Site visits. Correspondence with Agent. Legal Services issued Planning Contravention Notices.	Await PCN reply
Land off Wellesbourne Road, Lighthorne  <i>Importation of inert waste</i>	February 2019	Site visit. Planning Contravention Notice issued. Letter to owner advising planning permission may be required.	Subsequent site visits have negotiated a solution to the problem
Pure Recycling, Warwick Road, Ettington  <i>Breach of conditions – waste stored outside building</i>	Officer observation February 2019	Site visit and meeting. Correspondence identifying breach of conditions.	Building approved (SDC/19CM002) for waste processing but not built.  Further discussions required.
Land adjacent to Claverdon Sewage Treatment Works.  <i>Storage of waste material and skips.</i>	March 2017 complaints received about commercial activities on the land adjacent to the STW.	Research and investigation indicated that the activity involved the storage of waste materials and skips.  Enforcement notice issued 27/7/17 but appeal lodged passing jurisdiction to the Planning Inspectorate (PINS).	At the public inquiry the appellants successfully argued that the material was not waste and thus was beyond the County Council's jurisdiction.  Notice withdrawn – Costs awarded by PINS against WCC.

## **WARWICK**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
2 - 8 Lock Lane, Warwick, CV34 5AG  <i>Materials recycling facility</i>	May 2014	Application to extend time to provide building approved by Regulatory Committee April 2017 (ref WDC/16CM019). Conditions being discharged.	Works progressing to complete development. This site is connected to Moonhill Barn (See Rugby cases above).
Magpie Hall, Rouncil Lane, Kenilworth, CV8 1NN  <i>Waste transfer station and skip hire business</i>	April 2017	Planning application (WDC/18CM016) submitted but subsequently withdrawn.  Certificate of lawful use application expected but not received.	The site is occupied by mixed uses some of which are not County Matter developments. Thus it has been agreed that WDC will take the lead in this matter.
Fortress Recycling, Insight House, Blick Road, Warwick, CV34 6TA  <i>Extension to building</i>	October 2017	Retrospective application submitted.  Application (WDC/18CM020) considered and approved by the Regulatory Committee.	Matters resolved by the grant of planning permission.
Heathcote Primary School, Vickers Way, Leamington Spa, CV34 7AP  <i>Failure to provide landscaping in accordance with agreed timetable</i>	September 2018	Phase two of the school's expansion has been started.	Conditions discharge progressing.

## **WARWICK continued**

<b>Address</b> <i>Breach of planning control in italics</i>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Milverton Primary School, Greathed Road, Leamington Spa  <i>External flue</i>	March 2019	Correspondence with internal colleagues. Planning application submitted April 2019 (WDC/19CC005)	Await outcome of planning application to be considered at this meeting.

### **7.0 Recently Resolved Cases**

- Land off Kings Lane, Snitterfield. (see report above).
- Wellesbourne Road, Lighthorne (see report above).
- Field Brook Farm, Spon Lane, Grendon, Atherstone, CV9 2EX – waste storage operation ceased, operator has left the site
- Newdigate Colliery, Astley Lane, Bedworth, CV12 0LP – works to comply with Enforcement Notice have been completed

### **8.0 Monitoring Visits**

#### **8.1 Sites visited once per year**

- Coleshill Quarry, Gorsey Lane, Coleshill
- Cross Hands Quarry, Near Little Compton, Moreton in Marsh
- Kingsbury Brickworks Landfill, Rush Lane, Dosthill

#### **8.2 Sites visited twice per year**

- Bishops Bowl Lakes, Bishops Itchington, Southam
- Brinklow Quarry, Highwood Farm, Coventry Road, Brinklow
- Bubbenhall Quarry, Weston Lane, Bubbenhall
- Bubbenhall Landfill, Weston Lane, Bubbenhall
- Dunton Landfill, Lichfield Road, Dunton
- Griff No. 4, Gipsy Lane, Nuneaton
- High Cross Quarry, Copston Lane, High Cross

- Kingsbury Brickworks Quarry, Rush Lane, Dosthill
- Ling Hall Landfill, Coalpit Lane, Lawford Heath
- Mancetter Quarry, Quarry Lane, Mancetter
- Middleton Hall Quarry, Bodymoor Heath Lane, Middleton,
- Packington Landfill, Packington Lane, Little Packington
- Southam Quarry, Southam Works, Long Itchington
- Ufton Landfill, Southam Road, Ufton
- Wolston Fields, Wolston Lane, Ryton-On-Dunsmore

### 8.3 Sites visited quarterly

- Edgehill Quarry, Edgehill, Banbury,
- Folly Fields Farm, Ladbroke Road, Bishops Itchington, Southam
- Hartshill Quarry, Nuneaton Road, Hartshill
- Judkins Landfill, Tuttle Hill, Nuneaton

### Background papers

None

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