

ISLE OF WIGHT COUNCIL DEVELOPMENT CONTROL COMMITTEE – TUESDAY 16 NOVEMBER 2004

REPORT OF THE HEAD OF PLANNING SERVICES

UPDATE – OUTSTANDING ISLE OF WIGHT COUNCIL ENFORCEMENT ACTIONS POSITION AS OF 30 SEPTEMBER 2004

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Background

One of the commitments within the adopted Enforcement Policy which Members agreed at the 2 September 2003 Development Control Committee meeting was to report back on a regular basis with some information on performance levels.

Outlined below is a range of enforcement statistics comparing the third quarter (July-September) performance levels this year with figures for 2002 and 2003.

Members will recall that when considering the last report at the 30 June 2004 Development Control Committee meeting it was not possible to provide any indication if we had achieved the policy target of moving 80% of complaints through from receipt to a position where the complaint was unfounded, an application had been submitted or some form of enforcement had been authorised. Progress has been made on addressing the administrative difficulties associated with logging complaints which caused the earlier problem but I regret to advise Members that the problem has not been fully resolved. The present difficulty relates to generating a computer run that is responsive enough simply to pick up required data. The first two quarterly reports were prepared calculating the figures by hand; as the complaint figure has grown this is no longer practicable. The matter is being addressed and I am confident that by the next report it will have been finally resolved.

Members will be aware that the enforcement authorisation procedure has been changed taking the responsibility from committee down to the chairman and local member. It is anticipated that this will provide the opportunity to improve on the performance level when the new arrangement has settled in. Obviously, certain reports will still come to committee depending on their nature.

To give Members some further insight into the work of the Enforcement Team I have also produced a breakdown of figures relating to overall complaints and the service of Notices on a quarter by quarter basis.

For Members' information, staffing levels within the enforcement team are now at four with one post still vacant. This is the Junior Enforcement Assistants post which has been vacant since the original post holder was promoted to the Householder Team in March 2004.

COMPLAINTS

	Jan-March	April-June	July-Sept	Oct-Dec	TOTAL
2002	118	123	122	95	458
2003	106	147	147	108	508
2004	112	96	146		

ENFORCEMENT NOTICES

	Jan-March	April-June	July-Sept	Oct-Dec	TOTAL
2002	6	11	5	4	26
2003	4	5	3	6	18
2004	5	2	6		

As a new addition to the information provided I can advise Members that since January 2001 we have defended 27 appeals against the service of enforcement notices and seen only one allowed. This success rate of 96% reflects the judgements made by Committee and the view that enforcement action should be a last resort.

BREACH OF CONDITION NOTICES

	Jan-March	April-June	July-Sept	Oct-Dec	TOTAL
2002	6	4	8	5	23
2003	9	23	19	2	53
2004	5	0	11		

The 11 breach of condition notices issued in the last quarter relate to two sites. Nine of the notices relate to residential development schemes at Foxhills, a residential estate at Ventnor and were successful in contributing towards the completion of the road surfaces. The remaining two notices relate to an outstanding matter in Binstead regarding the provision of a service and emergency access strip in Church Road. The latter notices have proved unsuccessful and prosecution statements are now being prepared.

PLANNING CONTRAVENTION NOTICES

	Jan-March	April-June	July-Sept	Oct-Dec	TOTAL
2002	3	2	4	5	14
2003	3	1	3	8	15
2004	3	2	0		

Also, at the back of this report is the further update on progress regarding outstanding enforcement actions. At the end of this report I have also referred to the Section 215 Notices that Members have authorised over the past few months and also the court cases that have been progressed.

If any individual Member has a specific case that they wish further clarification on, I would request that they contact me before the Committee Meeting on the above number or by e-mail.

It is intended that the next report on performance would come in front of the Committee on 18 January 2005.

ANDREW ASHCROFT
Head of Planning Services

SG

Update: Outstanding Isle of Wight Council Enforcement Actions 30 April 2004

Site	Details	Minute/Date	Notes/Present Position
<p>1. Land adjacent to Long Lane Plantation, Long Lane, Newport</p>	<p>Enforcement action authorised against residential use of coach, storage of vehicles on land and construction of a building.</p>	<p>5.12.2000</p>	<p>Land divided into multiple plots resulted in delay of issuing Enforcement Notice. Enforcement Notice issued 12 July 2001. Effective date 24 August 2001. Compliance date 24 October 2001. Appeal made against Enforcement Notice on 22 August 2001. Planning Committee agreed to extend compliance period through to 1 May 2002 if applicant withdrew appeal 8 January 2002. Residential use had ceased at this time. Site checked after 1 May 2002, vehicles and building still remain. Potential prosecution statement drafted for Legal. Ownership of individual items on site and land parcels changed making identification of responsible parties more difficult. Following Legal Section contacting new owners coach and number of vehicles moved from their original positions. Site visited by Officer, all the cars have been removed but the coach and the shed remain. The coach (which is not owned by a plot holder) has been moved into a new position. Plot holder indicated he will take measures to get coach and shed removed. Quantity of spoil tipped across centre of site limiting access to upper area. Travellers moved on to lower part of site, one of which has indicated ownership of plot they occupy and this is currently being checked by Legal. Travellers given copy of Enforcement Notice on 11 July 2003 with request that they meet LPA in 10 days time. At meeting Travellers given deadline to vacate site otherwise action to be taken. Travellers vacated site but left behind large van. Coach has been removed but shed remains. LPA currently trying to get remaining structures removed and get site secured so Travellers cannot return. Consideration being given to some form of direct action to resolve matter.</p>

Site	Details	Minute/Date	Notes/Present Position
<p>2. Land east of Sandown Airport, Newport Road, Sandown</p>	<p>Planning permission refused for part retrospective development and enforcement action authorised requiring cessation of use of site as a trailer and lorry park. 9 months to comply.</p>	<p>3.8.2001</p>	<p>Enforcement Notice issued 30 January 2002. Effective date 12 March 2002. Original compliance date 12 March 2003. Enforcement Notice appeal submitted dated 28 February 2002. Appeal dismissed and Enforcement Notice varied 22 October 2002. New compliance date set 22 October 2003 Site visited 10 November 2003, no indications any requirements of Enforcement Notice been complied with. Evidence gathered statement produced to form basis of a prosecution for failing to comply with the requirements of the notice. First Magistrates' Court Hearing date 20 February 2004, second Hearing date 12 March 2004. At third Hearing date 19 March 2004 operator pleaded guilty for not complying with the Notice and was fined £1000 with £1000 costs. Site visited 21 April 2004. Further actions taken to comply with Notice, these currently being evaluated by Officers. Further site visit undertaken 26 October 2004. Number of breaches identified. Further statement being compared for continued prosecution for failing to comply with the requirements of the notice.</p>
<p>3. Brookfield Willows, Ventnor Road, Whitwell</p>	<p>Enforcement action authorised against the disposal of inert waste material on the land. Time period for compliance 3 months.</p>	<p>15.8.2001</p>	<p>Enforcement Notice issued 24 April 2001. Effective date 11 June 2001. Original compliance date 11 September 2001. Appeal against Enforcement Notice submitted 8 June 2001. Inspector's decision letter received 6 September 2002, Notice upheld but time period extended to 9 months. New compliance date 6 June 2003. Site checked, material not removed. Case conference with Legal Services. Decision to initiate a prosecution for failing to comply with the Enforcement Notice. Evidence gathered, prosecution statements produced. Matter now being progressed through Court action (see specific section at end of report)</p>

Site	Details	Minute/Date	Notes/Present Position
<p>4. Land north east Rodgebrook Farm, Whitehouse Road, Newport</p>	<p>Enforcement action authorised against non-agricultural use of land, pond, timber storage</p>	<p>7.12.2001</p>	<p>Enforcement Notices issued 4 May 2001. Effective date 8 June 2001. Compliance date 8 December 2001. Site condition improved, but notice not fully complied with. Further application submitted, refused December 2001. Appeal submitted 6 February 2003. Inspector's decision letter issued 30 June 2003 dismissing appeal. Planning revisited site to collect evidence to form basis of prosecution statement for failing to comply with the requirements of the original Enforcement Notice. As a result of threat of impending action the landowner commenced clearance of site. Request made for the LPA to consider retention of pond and cords of wood. In December 2003 site visited with Local Member. Operator advised that with some minor works and landscaping pond could be retained but that the cords of wood had to be removed. Recent reports indicate that further items have been brought onto site. There is therefore a need for a fresh site visit and an assessment if any of the new activity is development and, if so, is it covered by the existing Notice. Meeting with operator in May 2004 failed to produce meaningful outcomes prosecution statement produced with view to prosecution in Magistrate Court for failing to comply with requirements of notices. At the first court date on 22 October 2004 magistrates adjourned the case to enable defendant to obtain legal advice. Next court date is 19 November 2004.</p>
<p>5. West Billingham Farm Billingham, Newport</p>	<p>Committee authorised enforcement action against introduction of upvc windows in Listed Building. 6 months to comply.</p>	<p>23.4.2002</p>	<p>Enforcement Notices issued 7 April 2003. Effective date of 27 May 2003. Compliance date 27 November 2003 Appeal made against Notice on 20 May 2003. Planning Inspectorate indicated appeal invalid. Planning application submitted seeking to retain the UPVC windows with indication that if application refused an appeal will be lodged. Planning application refused. Appeal submitted. Inspectors decision letter dated 13 September 2004 dismissed the appeal. Owner advised LPA expects compliance with enforcement notice by 13 March 2005.</p>

Site	Details	Minute/Date	Notes/Present Position
<p>6. Fort Bouldnor, Main Road, Bouldnor, Yarmouth</p>	<p>Following refusal of retrospective planning permission enforcement action authorised against:</p> <p>(a) the unit of residential accommodation</p> <p>(b) alterations/extensions and new buildings</p> <p>(c) the use of the site in connection with training operations.</p> <p>9 months to comply.</p>	<p>25.6.2004</p>	<p>Enforcement notice issued 22 Nov. 2002 regarding the residential unit. Effective date 15 January 2003. Compliance date 15 October 2003. Enforcement Notice regarding alterations and extensions to other buildings and the addition of new buildings about to be issued.</p> <p>LPA approved Lawful Development Certificate in June accepting "continued use of land and original buildings as an outdoor activity training centre at Fort Bouldnor". Report to 11 July 2003 Development Control Committee meeting Members decide to invite (with prejudice) retrospective application to address only outstanding matter that is item B in details paragraph. Deadline for submission set at 1 September 2003. Planning application submitted September 2003, still under consideration.</p> <p>Date of 15 October 2003 for compliance with Enforcement Notice on residential building now passed. Site visited first floor accommodation been removed, use as permanent residential accommodation ceased as people moved out but ground floor in use as staff sleeping accommodation. Planning application submitted seeking temporary permission for this use now under consideration.</p>
<p>7. Bembridge Boatyard, Marine Works, Embankment Road, Bembridge</p>	<p>Enforcement action authorised against fence adjacent highway and use of land for storage purposes including builders materials, vehicle repairs and presence of buildings/structures</p>	<p>25.02.2003</p>	<p>Enforcement notice issued dated 19 September 2003 with effective date of 7 November and compliance date of 7 March 2004.</p> <p>Appeal submitted.</p> <p>Inspectors decision letter dated 18 June 2004 dismissed appeals.</p> <p>New compliance date of 18 October 2004. Site to be checked for compliance.</p>
<p>8. 34 Mayfield Drive, Newport</p>	<p>Enforcement action authorised against taxi business operating from premises.</p> <p>Time period for compliance 3 months</p>	<p>22.07.2004</p>	<p>Enforcement notice issued dated 11 September 2003 with an effective date of 23 October 2003 and a compliance dated of 23 January 2004.</p> <p>Appeal submitted.</p> <p>Inspectors decision letter date 7 April 2004 dismissed appeal.</p> <p>New compliance date 7 July 2004.</p> <p>Site checked. Enforcement notice complied with. Case closed.</p>

Site	Details	Minute/Date	Notes/Present Position
<p>9. The Boathouse, Blake & Spencer, Esplanade, Ventnor</p>	<p>Enforcement action authorised against use of part of premises for the preparation of fishing shellfish.</p> <p>Time period for compliance is to be set no later than 31 March 2004</p>	<p>12.08.2003</p>	<p>Enforcement Notice served dated 8 December 2003 with effective date of 19 January 2004 and original compliance date of 31 March 2004.</p> <p>Appeal submitted 12 January 2004.</p> <p>Following consideration of matter at 30 January 2004 Meeting, Members resolved to extend compliance date to 30 September 2004 on basis appeal withdrawn. This proposal accepted by operator.</p> <p>New compliance date set at 30 September 2004.</p> <p>Site checked 1 October 2004. Requirements of notice not complied with. Prosecution statement produced with view to taking action within the Magistrates Court for failing to comply with requirements of notice.</p> <p>First court hearing date schedule for 17 December 2004.</p>
<p>10. Land adjacent Embankment Road, Bembridge</p>	<p>Enforcement action authorised against the use of land as car park.</p> <p>Time period for compliance 2 months.</p>	<p>23.09.2003</p>	<p>Enforcement Notice served dated 7 April 2004 with effective date of 21 May 2004 and compliance date of 21 July 2004.</p> <p>Appeal submitted, projected target date for decision 4 January 2005.</p>
<p>11. Medham Village, Medham Farm Lane, off Newport Road, Northwood</p>	<p>Enforcement action authorised. Failure of developer to comply with that part of a planning condition which requires highway works.</p>	<p>19.11.2002 4.11.2003</p>	<p>Following the original Committee resolution in November 2002 discussions took place with the developer and local residents in an attempt to identify an amicable way forward without the need for the service of the Notice. These did not result in any remedy and as a consequence formal Notice served dated 11 September 2003 with the deadline for compliance of 15 January 2004.</p> <p>Appeal submitted against Notice indicating time period given for compliance too short. Further report considered at 4 November 2003 Development Control Committee meeting at which time Committee agreed to extend compliance period from three to twelve months on basis that developer withdraws appeal.</p> <p>Further resolution that Officers be instructed to monitor site over the year, that it will expect full compliance within the allocated time with any failure leading to consideration of action through the Magistrates Court.</p> <p>Letter dated 12 November 2003 from developer confirming appeal withdrawn.</p> <p>New compliance date is 4 November 2004. Works have been taking place on site over recent months. LPA yet to confirm if all requirements of notice have been met.</p>

Site	Details	Minute/Date	Notes/Present Position
12. Barley Mow Public House Shide Road, Newport	Following refusal of retrospective planning permission for retention of petanque area. 3 months to comply.	10.12.2002	Enforcement Notice issued 30 January 2003. Effective date 14 March 2003. Compliance date 14 June 2003. Further planning application submitted but invalidated 30 June 2003. Letter sent 30 June, second letter 30 July. Retrospective application remains invalid, property owner advised remove facility in compliance with the Enforcement Notice immediately or face potential prosecution action. Use appears to have ceased but surface remains in place. Site being monitored to determine if breach of planning control exists.
13. Edina, Mill Road, Yarmouth	Enforcement action authorised for failing to construct dwelling in accordance with approved plans. Time period for compliance six months from the service of the Notice.	14.10.2003	Discussion presently underway with Legal Section on scope and content of Notice. Discussions taken place with applicant and his agent but to date no remedy acceptable to all parties has been identified. Intention to proceed and serve Notice. PI 8 February 2005. Enforcement Notice served dated 18 September 2004 with an effective date of the 12 November 2004 and with a time period of compliance of 6 months. Appeal submitted before effective date reached. Target date for public enquiry is 8 February 2005.
14. Helens Copse, Gate Lane, Freshwater Bay	Enforcement action authorised against presence of two shipping containers on the land. Time period for compliance three months.	14.10.2003	Enforcement Notice issued dated 15 December 2003 with an effective date of 2 February 2004 and a compliance date of 2 May 2004. Appeal submitted before effective date reached. Hearing took place on 18 May 2004. Inspectors decision letter dated 8 June 2004 dismissed appeal. New compliance date is now 8 Sept. 2004 Site visited 5 October 2004. The shipping containers have been removed from the site. Some of the equipment previously inside the containers is now on the land under plastic covers this is not a breach of planning control. Case closed.

Site	Details	Minute/Date	Notes/Present Position
<p>15. Hawthorn Manor Farm, Chale Green and Sheep Lane Farm, Chale</p>	<p>Enforcement action authorised against use of mobile homes as residential accommodation. Time period for compliance 6 months</p>	<p>04.11.2003 13.07.2004</p>	<p>Enforcement Notices issued dated 30 January 2004 with an effective date of 12 March 2004 and with a compliance date of 12 September 2004. Appeals submitted before effective date reached. Anticipated 2-3 day Public Inquiry to be held in January 2004. At 13 July 2004 meeting, Members considered report noting additional information and resolved to adopt a strategy that would accept total of 5 caravans at both sites with others removed. Two LDC applications have now been made and the enforcement notices have been withdrawn so appeals fall. Both sites monitored in accordance with agreement to ensure removal of unacceptable caravans. Site visit on 6 October 2004 revealed continued presence of one of the caravans that was to be removed at Hawthorne Manor Farm with a further caravan that was to be removed from Sheep Lane Farm also on that site. Fresh enforcement notices with regards to both structures currently being prepared for service.</p>
<p>16. Three storey building providing retail unit and restaurant on ground floor with total of 12 flats above, 37 Pyle Street, Newport</p>	<p>Enforcement action authorised against developer for failing to construct building in accordance with approved plans relating to render detail and feature strip and the construction of a low wall with a change in the footpath level between the road and the building.</p>	<p>25.11.2003</p>	<p>Local Planning Authority had difficulty in identifying relevant parties on which to serve Notice. These difficulties not subsequently resolved. Enforcement Notice served dated 2 June 2004 with effective date of 19 July 2004 and compliance date of 19 October 2004. Appeal submitted before effective date reached. Projected target for decision 2 March 2005.</p>
<p>17 Christian Meeting Room, Buckbury Lane, Newport</p>	<p>Enforcement action authorised against the installation of a car park lighting scheme with a time period for compliance of 2 months</p>	<p>16.12.2003</p>	<p>Enforcement Notice issued dated 22 January 2004 with an effective date of 5 March 2004 and a compliance date of 5 May 2004. Appeal submitted before effective date reached with a second appeal against refusal of planning permission. Inspectors decision letter dated 6 September 2004 dismissed the appeal against Enforcement Notice. New compliance date is 6 November 2004.</p>

Site	Details	Minute/Date	Notes/Present Position
18. O.S. Parcel 5445, edge of Windgate Copse, Newtown, Isle of Wight	Enforcement action authorised against construction of a wooden building. Time period for compliance is 3 months.	16.12.2003	Enforcement Notice issued dated 19 January 2004 with an effective date of 1 March 2004 and a compliance date of 1 June 2004. Appeal submitted before effective date reached. Inspectors decision letter dated 6 September 2004 dismissed the appeal. New compliance date is 6 September 2004.
19. Mariners Culver Way, Sandown, Isle of Wight	Enforcement action authorised against construction of a raised decking area and installation of a summerhouse on the decking area. Time period for compliance is 3 months.	5.12.2003	Enforcement Notice issued dated 20 February 2004 with an effective date of 6 April 2004 and a compliance date of 6 July 2004. Site visited 13 July 2004. Requirement of notice complied with. Case closed.
20. Cats Copse, West View Road, Cowes.	Enforcement action authorised against continued use of land and buildings for paintball games centre. Time period for compliance one month.	2.3.2004	Enforcement Notice served dated 13 May 2004 with effective date of 22 June 2004 and compliance date of 22 July 2004. Appeal submitted. Projected target date for decision end January 2005.
21. Victoria Lodge, Castle Haven Lane, Niton Undercliff, Ventnor	The details are Enforcement Action authorised requiring cessation of use of mobile home, its removal from the land. Time period for compliance twelve months.	11.05.2004	Enforcement Notice served dated 5 July 2004 with effective date of 23 August 2004 and a compliance date of 23 August 2005. Appeal against refusal of planning permission made on target decision dates March 2005. Appeal against refusal of planning permission made. Target Decision date is March 2005.
22. Cheeks Farm Merstone Lane, Merstone.	Enforcement Action authorised against conversion of building to private dwelling and secondly additional works to outbuildings. Time period for compliance for both notices four months	11.05.2004	Enforcement Notice issued 2 August 2004 with effective date of 16 September and compliance date of 16 th January 2005. Appeal submitted. Projected target date for decision end April 2005.
23. OS 0091 & OS 0072 land south of Hulverstone Lane Hulverstone	Enforcement Action authorised seeking removal of stable block, removal of boats and caravan from the land. Time period for compliance two months.	11.05.2004	Enforcement notice issued dated 23 June 2004 with effective date of 2 August 2004 and a compliance date of 2 October 2004. Appeal submitted 28 July 2004. Projected target date for decision end March 2005.

Site	Details	Minute/Date	Notes/Present Position
24. Carpenters Lane, St Helens	Enforcement action authorised relating to the use of land on either side of lane for storage of motor vehicles. Time period for compliance 3 months.	11.05.2004	Draft enforcement notice being formulated with Legal. Conflicting information returned from Land Registry and property owners delayed service. Matter outstanding being pursued with intention to serve a.s.a.p.
25. Part OS Parcel 8700 Land at North Fairlee Farm, Fairlee Road, Newport	Enforcement action authorised against use of land and operating centre for taxi business	21.05.2004	Enforcement Notice served dated 5 July 2004 with effective date of 13 August 2004 and compliance date of 13 August 2005.
26. Flora Cottage Morton Road, Brading	Enforcement action authorised against formation of vehicular access and further works associated with the creation of a hardstanding including unauthorised excavations of garden. Time period for compliance 3 months.	22.06.2004	Draft enforcement notice being formulated with Legal. Planning application submitted seeking to retain the excavated area which if acceptable could be conditioned to prohibit any vehicular access. This would remove the need for the service of any formal notice. Planning application approved with condition requiring closure of front boundary to road. Action being taken to ensure condition complied with.
27. Timber, The Undercliff Drive, Ventnor.	Enforcement action authorised against temporary screen on boundary. Time period for compliance is one month.	03.08.2004	Draft enforcement notice formalised with Legal. In view of complicated nature of the boundary feature concerned and questions over the time period when the structure and its component elements have been in place LPA has taken the opportunity of contacting adjoining property owners. Their responses are currently being assessed in finalising notice.
28. Arthur Moody Drive, Newport	Use of private dwelling for the operation of a taxi service.	03.08.2004	Draft notice prepared by Legal. Operator claims LPA relied too heavily on information from local residents. Planning contravention notice served on operator giving them the opportunity of providing information that on return will be assessed. If evidence points towards business operation beyond that which would be acceptable at a residential dwelling notice will then be served.
29. Land opposite Gore Cemetery, Arreton Cross, Downend Road, Newport	Enforcement action authorised against use of land as motocross and use of neighbouring land as temporary car parking facility	26.10.2004	Draft enforcement notice being formulated with Legal.

**Other Enforcement Matters
215 Notices**

Site	Details	Minute/Date	Notes/Present Position
1. Kent House, York Avenue, East Cowes	Authorisation given for the service of a Notice requiring trailer body to be painted a dark/matt green or brown colour. Time period for compliance one month.	1.7.2003	Property in flats. Although requisition for information sent to property this has not been returned and Legal have been trying to ascertain individual(s) or company who owns building to ensure any Notice served on the appropriate party. These efforts proved unsuccessful. In August 2004 LPA contacted by solicitors acting on behalf of prospective purchaser. LPA advised by both prospective purchaser and current owner that part of the sales agreement is for the trailer to be removed. LPA indicated to prospective purchaser if trailer not removed they will be served with the notice. Situation currently being monitored.
2. Maryland, Colwell Chine Road, Freshwater	Authorisation given for the service of a Notice requiring tidying up of garden to property involving removal of a number of motor vehicles and other items. Time period for compliance one month.	2.3.2004	Section 215 Notice served dated 23 April 2004 with an effective date of 28 May 2004 and a compliance date of 28 June 2004. Site checked 12 July 2004 some works undertaken owner indicated outstanding matters to be done within 2 weeks. Further site visit required 27 July 2004.
3. 9-13 Pier Street, Ventnor	Authorisation given to serve notice requiring replacement of plywood sheet with glass	11.05.2004	Section 215 Notice served dated 18 June 2004 with effective date of 2 August and a compliance date of 2 September 2004. Site checked. Plywood sheet replaced with glass. Case closed,
4. 52-58 High Street, Ventnor	Authorisation given to serve notice requiring repairs/improvements to appearance of shop front.	11.05.2004	Section 215 Notice served dated 6 July 2004 with effective date of 20 August 2004 and a compliance date of 20 September 2004. Appeal lodged against notice. See update on court cases.

Court Cases

Site	Details	Minute/Date of Authorisation (where required)	Date of Court Hearing	Plea	Outcome
1. Site, Long Last, Cranmore Avenue, Cranmore, Yarmouth, Isle of Wight	Court action taken against renewed failure to comply with Enforcement Notice requiring cessation of use of mobile home for residential purposes	25.02.2003	25.07.2003	None	Case adjourned to enable property owner to obtain legal representation
			22.08.2003	None	Adjourned
			12.09.2003	Not guilty	Defendant request for Crown Court accepted
			31.10.2003	Not guilty	Case committed to the Crown Court
			11.12.2003	Not guilty	Directions Hearing Conditional bail granted Trial date set for 10 February 2004
			20.02.2004	Defendant changes plea to Guilty Guilty	Date set for Sentencing Hearing Defendant given Conditional Discharge for two years and requested to pay £8,000 in costs. The Judge also required the defendant to give an undertaking that he would not use the caravan for residential purposes. On 14 April 2004 report was received indicating the defendant was again living in the caravan. The Local Authority is currently taking steps to investigate if the allegation is correct, the level of the alleged use and based on the above a decision will be made on what further action should be taken.

Site	Details	Minute/Date of Authorisation (where required)	Date of Court Hearing	Plea	Outcome
					Landowner is not currently assisting in efforts to arrange site inspection. Officers discussing with Legal about seeking warrant to obtain access to site.
2. Brookfield Willows, Ventnor Road, Whitwell	Court action taken against failure to comply with Enforcement Notice requiring removal of inert waste from the land	Delegation	07.05.2004 21.05.2004 04.06.2004 18.06.2004 19.07.2004 26.07.2004 27.08.2004 20.09.2004 26.10.2004	None None None None None Not guilty	Landowner did not attend Court Landowner did not attend Court Landowner attended Court and requested the case to be considered by the Crown Court Committal Hearing in the Magistrates' Court Plea and directions Hearing the Magistrates' Court. Landowner did not attend. Warrant issued. Matter listed for Trial, actual date to be advised later. Crown Court Mention Mention. Landowner did not attend. Readiness Mention. Date set for trial, 3 days allocated – 9, 10, 11 November 2004.

Site	Details	Minute/Date of Authorisation (where required)	Date of Court Hearing	Plea	Outcome
3. 52-58 High Street, Ventnor	Property owner challenging the service of the Section 215 Notice which has been served on him and which requires certain actions to improve the overall appearance of the property.	11.05.2004	29.10.2004		Trial date set for 14 January 2005.