



Item No.

Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE **10th January 2006**

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

Barr Beacon Farm, Bridle Lane, Barr Beacon, Aldridge. **Reference number E05/0731**

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of a recent appeal decision regarding a telecommunications mast, and to request authority to take planning enforcement action.

2.0 RECOMMENDATIONS

- 2.1 That authority is given for the issuing of an enforcement notice under the 1990 Act to require the removal of the mast, equipment cabin, generator and fencing.
- 2.2 That the decision as to the institution of legal proceedings in the event of non-compliance with the Notice, or the non-return of Requisitions for Information, be delegated to Assistant Director - Legal and Constitutional Services.
- 2.3 That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice or the boundaries of the site.

Details of the Enforcement Notice

The Breach of Planning Control:

The installation of a telecommunications mast, equipment cabin, generator, and fencing.

Steps required to remedy the breaches:

Dismantle and remove the mast (including the antennae).

Remove the equipment cabin and its timber supports

Remove the generator, its steel sled and all wiring

Dig up the fence posts and remove, together with the mesh fencing

Reinstate the land to its original condition prior to the development, and

remove all resultant debris to an authorised place of disposal.

Period for compliance
2 months:

The reasons for taking enforcement action:

The development is inappropriate in the Green Belt and no special circumstances have been demonstrated which are sufficient to outweigh the harm that its retention would cause to the character and amenity of the Green Belt and the Great Barr Conservation Area, due to its size and incongruous appearance, and its cumulative impact with other structures nearby. The development is therefore contrary to policies ENV2, ENV3, ENV29 and ENV38, in the adopted Walsall Unitary Development Plan, and national guidance in Planning Policy guidance Notes 2, and 8.

3.0 FINANCIAL IMPLICATIONS

None arising directly from this report.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

Non-compliance with an Enforcement Notice is an offence and if this occurred it would be open to the Council to instigate legal proceedings.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse impacts.

8.0 WARD(S) AFFECTED

Streetly

9.0 CONSULTEES

None - though related planning application was subject to normal consultations

10.0 CONTACT OFFICERS

Philip Wears – Planning Enforcement Team
Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning application 05/0074
Enforcement file -not published

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12.0 BACKGROUND AND REPORT DETAIL

Introduction and history

- 12.1 The mast and compound are described by the operating company, Airwave MM02, as a “temporary” installation for the Police. The development was first constructed in October 2003, with a claim that permission was not necessary because ‘permitted development’ rights applied for 6 months, as it was needed under an emergency. Officers challenged that conclusion as the development was not replacement of unserviceable apparatus, nor moveable as required.
- 12.2 An enforcement report was considered in February 2004 but action was deferred as the company made a planning application (ref 04/0256) some days earlier, to retain the mast and compound for two years. This was refused, but a second application 04/0753 was made in May 2004 seeking 6 months retention. This was approved to allow time for a mast-share nearby to be negotiated. However, in January 2005 another application (ref 05/0074) was made for a further 6 months retention. This was refused in March 2005, but was appealed.
- 12.3 The applicant proposed retention for a further six month period , but in the appeal suggested that a further 12 months was necessary. The appeal was dismissed on 5th December. The Inspector considered that there was a need for a mast somewhere in the vicinity, but also considered that the openness and character of this area of Green Belt and Conservation Area was already affected by electricity pylons and two other masts, and these, together with the elevated, exposed position, made it imperative that further unsightly encroachment is prevented.
- 12.4 The Inspector commented that sufficient time had elapsed since the first erection of the mast for a permanent solution to be found. Difficulties with relocation did not outweigh the harm to the Green Belt and Conservation Area. Officers consider therefore that there are no reasons to withhold enforcement action. Such action may also prompt a more permanent and satisfactory solution than the current development. The Inspector noted that two possible alternative solutions had been identified, namely a mast-share nearby (which had been subject of negotiation), and installation on an existing pylon.

HEAD OF PLANNING AND TRANSPORTATION

Mast at Beacon Park Farm, Bridle Lane, Barr Beacon.

