



**Development Control Committee**  
**27th January 2009**

**REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

**Land of Spout Lane and rear of Royal Oak PH, Caldmore Green**

**1.0 PURPOSE OF REPORT**

To request authority to take planning enforcement action following the refusal of a retrospective planning application.

**2.0 RECOMMENDATIONS**

- 2.1 That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- 2.2 To authorise that the decision as to the institution of Prosecution proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, and the decision as to the institution of Injunctive proceedings, in the event of a continuing breach of control, be delegated to the Assistant Director - Legal and Constitutional Services.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site.:

**Details of the Enforcement Notice**

The Breach of Planning Control:-

Change of use of the land to vehicle wash and valeting operation

Steps required to remedy the breaches:-

Cease to use the land as a vehicle wash and valet operation.

Permanently removal all equipment and vehicles associated with the use as a vehicle wash and valet operation.

Period for compliance:- 2 months.

Reasons for taking Enforcement Action:-

The use of the land is not crucial in meeting the day to day shopping and service needs of the local community. The use is intrusive in the street scene and this is exacerbated by the storage of a caravan and materials in what is a visually sensitive area within the Caldmore Green Conservation area.

In addition the use has a detrimental affect on the amenities of nearby residential occupiers.

Further the use does not provide for the control of effluent and therefore may give rise to pollution to water courses.

Retrospective planning permission was refused for this development on 6 December 2008.

The development is contrary to Walsall Unitary Development Plan in particularly policies GP2, ENV10, ENV32, S5, S8, 7.1, 7.2, T7 and T13.

**3.0 FINANCIAL IMPLICATIONS**

None arising from the 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 for which Council could 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 environmental impacts.

**8.0 WARD(S) AFFECTED**

Palfrey

**9.0 CONSULTEES**

None

**10.0 CONTACT OFFICER**

Tonia Upton  
Principal Planning Officer: 01922 652411

**11.0 BACKGROUND PAPERS**

Enforcement file

D. Elsworthy - Head of Planning and Building Control

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**12 BACKGROUND AND REPORT DETAIL**

- 12.1 This reports follows the refusal of a retrospective planning application for a vehicle wash and valet operation on the northern part of the car park at the rear of the Royal Oak Public House. The Council has received complaints about the use.
- 12.2 The vehicle wash has raised a number of concerns. Policies relating to local centres advise that appropriate uses should be to serve the day to day convenience shopping and local service needs of the community. This use is could meet such needs, but it is not critical that such a use be in such a centre, for the needs of the community to be met.
- 12.3 Further, this site is in a Conservation Area and has a detrimental impact on the amenity and character of the area, as it operates in the open and materials and there is an associated caravan clearly visible. Further the close proximity of the site to housing can give rise to noise and disturbance to nearby residents.
- 12.4 In addition, there are problems associated with the run off of waste water which could give rise to the pollution of water courses.
- 12.5 In the circumstances, given that planning permission has been refused, it is considered that enforcement action is expedient as set out.

# Land off Spout Lane and Rear of Royal Oak P.H, Caldmore Green

