



# *Walsall Council*

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Item No.

## **DEVELOPMENT CONTROL COMMITTEE** **31 May 2007**

### **HEAD OF PLANNING AND BUILDING CONTROL**

#### **LAND AT FIELD LANE INDUSTRIAL ESTATE BLOXWICH**

##### **1.0 PURPOSE OF REPORT**

- 1.1 To request authority to take enforcement action in respect of vehicular storage, repair and wash.

##### **2.0 RECOMMENDATIONS**

- 2.1 To authorise that the issue of an enforcement notice and requisition for information notice be delegated to the Assistant Director - Legal and Constitutional Services and Head of Planning and Building Control and prosecution action in the event of non-compliance either with the Enforcement Notice or Requisition for Information Notices as set below:

#### **Breaches of planning control.**

A vehicle storage, repair and hand wash operation

#### **The reason for taking enforcement action.**

- 2.2 The use of the land for the storage of vehicles, repair and wash purposes is not an appropriate use of the land for the following reasons:-
- a) The unauthorised use of the land whereby primarily commercial vehicles are stored, repaired and washed in the open is visually poor. This open storage has a detrimental impact on the amenities of residents who adjoin and overlook the site. Residential amenity is further compromised by noise and disturbance arising from the repairs to and the washing of the vehicles. The use of the site is therefore contrary to the Council's adopted Unitary Development Plan Policies GP2, 3.6 and 3.7.

#### **The Requirements of the Notice.**

To permanently cease to use the land for the purposes of vehicle storage, repair, washing and ancillary operations.

To permanently remove all equipment and materials associated with the use from the site.

To remove all vehicles from the site.

### **The Period for Compliance.**

2 months.

2.3 That authority is delegated to the Head of Planning and Building Control and the Assistant Director - Legal and Constitutional Services\_ to amend and add to or delete from the wording set out above 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.

2.4 Committee is also recommended to authorise that the decision as to the institution of legal proceedings in the event of non-compliance with the enforcement notice, or the non-return of RFI's to be delegated to the Assistant Director - Legal and Constitutional Services.

2.5 That authority is delegated to Assistant Director - Legal and Constitutional Services and the Head of Planning and Building Control for the instigation of legal proceedings in respect of non-compliance with a Planning Contravention Notice.

### **3.0 FINANCIAL IMPLICATIONS**

For the Council none arising directly from this report.

### **4.0 POLICY IMPLICATIONS**

None arising directly from this report.

### **5.0 LEGAL IMPLICATIONS**

Non-compliance with an Enforcement Notice is an offence.

### **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**

Bloxwich East

### **9.0 CONSULTEES**

None

10.0 **CONTACT OFFICER**

Tonia Upton – Planning Enforcement Team  
Tel; 01922 652411.

11.0 **BACKGROUND PAPERS**

Planning enforcement file

HEAD OF PLANNING AND BUILDING CONTROL

**DEVELOPMENT CONTROL COMMITTEE**  
**31 May 2007**

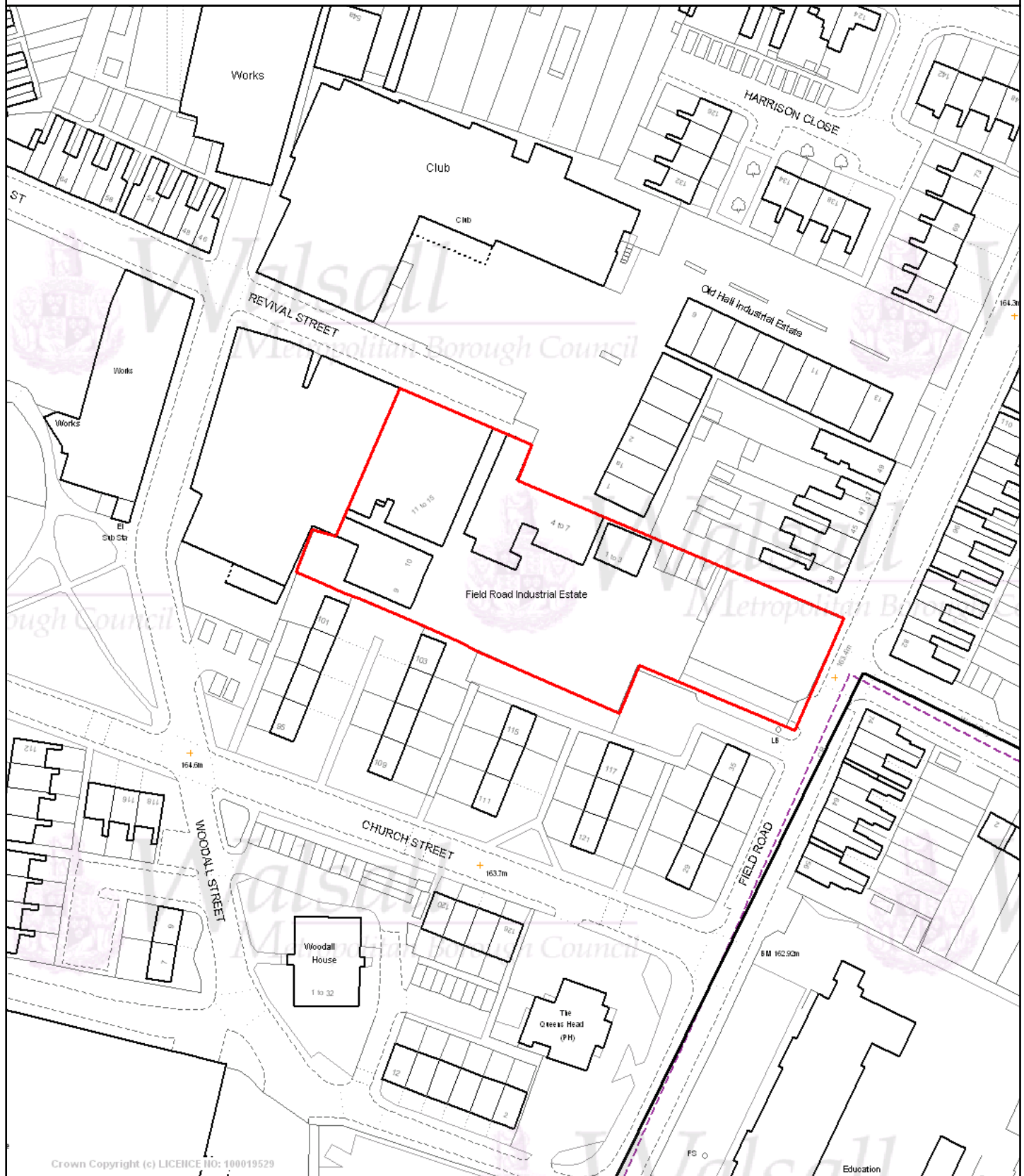
**Land at Field Lane, Bloxwich**

**12.0 BACKGROUND AND REPORT DETAIL**

- 12.1 The use of this site for vehicle storage, repair and wash operation commenced early this year and planning enforcement received complaints about the use. The land owners were advised to submit a planning application to retain the use in February 2007. An application was not submitted and the use continued.
- 12.2 An application to redevelop this site and the wider industrial area was approved in November 2004 for residential (application 02/1494/FL/E2), but it has not been implemented.
- 12.3 The use of the site for vehicular uses is causing greater nuisance to nearby residents. The storage, repair and wash of the vehicles in the open is also visually poor, which detrimentally affects residential amenity.
- 12.4 As planning permission has not been granted for the use it is open to enforcement action. In this case it is considered that enforcement action is expedient as the use causes disturbance to nearby residents and also has an adverse impact on their visual amenities. Whilst the site does lie within an industrial estate its location at the entrance to the estate and the proximity to residential properties means that the unauthorised use causes residents further problems and is a conflict between residential amenity and the working needs of the industrial occupiers.
- 12.5 It can be appropriate to consider under-enforcement (securing the removal of the element of a use which offends, leaving the rest). That is not appropriate in the present case, because each of the uses takes place in the open and it would be difficult to reach a reasonable compromise. Total removal of the use is the only appropriate remedy.

**HEAD OF PLANNING AND BUILDING CONTROL**

## Field Road Industrial Estate - Bloxwich



**Walsall Council**

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