



Development Control Committee
DATE - 7th August 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Saddlers Garage, 115 Wednesbury Road, Walsall

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action.

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 legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, 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:-

The erection of a structure, the stationing of containers as storage facilities, and the installation of two mobile buildings

Steps required to remedy the breaches:-

Removal of the structure from the site and any resulting debris.
Removal of the containers
Removal of the two mobile buildings.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The erection of a structure of this size and appearance in this location has an overbearing and dominant impact on the streetscene in what is a prominent location on a major route into Walsall, and it has a detrimental visual impact on the amenity of the area.

The installation of the two storey mobile buildings and the stationing of the storage containers is also visually poor and has a detrimental affect on the amenity. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32, 3.6 and T7.

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

None arising from the report.

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

St Matthews

9.0 CONSULTEES

None

10.0 CONTACT OFFICER

Tonia Upton
Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Enforcement file

D. Elsworthy
Head of Planning and Building Control

Development Control Committee
17 July 2007

12 BACKGROUND AND REPORT DETAIL

- 12.1 The Planning Enforcement team received complaints about this matter in May 2007. Further to a site inspection it became apparent that a steel structure comprised of scaffolding and roof beams had been erected, part of which was attached to the original building. The structure is two storeys high. Planning permission is required; however a planning application has not been made. In addition, mobile buildings have been installed at the site and again these are 2 storey. There are two containers, one on top of the other, in use for storage.. All of this development is unauthorised and open to enforcement action.
- 12.2 Many complaints have been received about the structure which looks unsightly and prominent in this location.
- 12.3 From discussions with the owner it became apparent that it was intended to cover the structure with metal sheets in order to create a car port. Officers consider that both the existing and the proposed works would not be acceptable due to the visual harm arising from the development.
- 12.4 The owners were advised that whilst they could try to retain the structure and mobile buildings by applying for retrospective planning permission it would be likely that such an application would be recommended for refusal due to visual harm caused by the development. The owners were therefore advised to remove both the scaffolding and the mobile buildings from the site within 28 days. In that letter the owners were advised that unless appropriate action was taken the matter would be reported to the Development Control Committee with a recommendation that enforcement action is taken.
- 12.7 The owners have appointed an agent to act on their behalf. The agent advises that the structure is to provide additional floor space to accommodate a hydraulic ramp and that the mobile buildings are required for storage. They intend to meet with the Development Control team for this area to discuss the feasibility of the scheme.
- 12.8 Officers welcome the negotiations however as yet discussions have not taken place and a planning application has not been submitted. Given that the existing structure is not acceptable, enforcement action is recommended seeking its removal together with the mobile buildings. In coming to this conclusion Officers are also mindful of the many complaints that continue to be received about the development and the detrimental visual impact it has..
- 12.6 In the circumstances enforcement action is recommended as set out in the recommendations.

Saddlers Garage, 115 Wednesbury Road



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