



## **DEVELOPMENT CONTROL COMMITTEE**

**Date - 12<sup>th</sup> December 2006**

### **Report of Head of Planning and Building Control**

**88 Howdles Lane, Brownhills, WS8 7PJ**

**Ref: E06/0148**

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

To inform members of a breach of control at this address and 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), to require remedial actions to be undertaken as shown below in 2.3, and also for the issuing of Requisition for Information Notices.
- 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 in consultation with the Head of Planning and Building Control
- 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:-

Operational development comprising the erection of a timber hoist structure.

Steps required to remedy the breaches:-

Completely dismantle the timber hoist structure

Remove all resultant components and debris from the land.

Period for compliance:-

1 month

Reasons for taking Enforcement Action:-

By reason of its height, appearance, and prominent location on the front of the house, the timber hoist structure is a visually incongruous and unsightly feature which detracts from the level of amenity in the surrounding residential area. The timber hoist structure is therefore contrary to Walsall Unitary Development Plan policies GP2 and ENV32.

**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**

Brownhills

**9.0 CONSULTEES**

None

**10.0 CONTACT OFFICER**

James Fox / Philip Wears

Planning Enforcement Team: 01922 652527 / 01922 652411

**11.0 BACKGROUND PAPERS**

Enforcement file not published.

D. Elsworthy

Head of Planning and Transportation

**Development Control Committee**  
**12<sup>th</sup> December 2006**

**12 BACKGROUND AND REPORT DETAIL**

- 12.1 88 Howdles Lane is a semi-detached house in a road of similar houses. The report relates to a timber structure erected on the front of the integral garage, and which appears designed to function as a hoist for heavy objects. There is no evidence however that the hoist is involved in a change of use. A plan showing the location of the timber hoist is attached to this report.
- 12.2 The hoist fails to qualify for householder 'permitted development' rights because it is closer to the highway than any other part of the house and it also exceeds the maximum allowable height of 3 metres.
- 12.3 The owners have been advised on two occasions that the timber hoist will require planning permission in order to be retained, however no planning application has been received. Notwithstanding the need for a planning application, it is unlikely that planning permission would be granted as it is a visually incongruous structure which is harmful to the amenity of the area.
- 12.4 In the circumstances enforcement action is recommended against the timber hoist as set out in the recommendations.

# 88 Howdles Lane, Brownhills

