



DEVELOPMENT CONTROL COMMITTEE

9th December 2008

Report of Head of Planning and Building Control

Barr Beacon Car Wash, Beacon Road / Moreton Avenue

1.0 PURPOSE OF REPORT / REASON FOR URGENCY

To seek authority to apply to the civil court for an injunction under section 187B of the Town and Country Planning Act 1990.

Urgent action is required to secure compliance with the enforcement notice, and resolve the continuing adverse impact of the site on the area.

2.0 RECOMMENDATIONS

Authorise the Assistant Director of Legal and Constitutional Services to seek an injunction under section 187B of the Town and Country Planning Act 1990, to prevent use of the site as a car wash, as set out in the enforcement notice dated 22 March 2007.

3.0 FINANCIAL IMPLICATIONS

Officer time, and the potential for a costs application by the defendant.

4.0 POLICY IMPLICATIONS

The enforcement notice seeks 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 adverse effects which justified the enforcement action.

8.0 WARD(S) AFFECTED

Pheasey Park Farm.

9.0 CONSULTEEs

Legal Services.

10.0 CONTACT OFFICER

Bob Scrivens: 01922 652488

11.0 BACKGROUND PAPERS

Enforcement file not published.

D. Elsworthy
Head of Planning and Transportation

Development Control Committee
9th December 2008

12 BACKGROUND AND REPORT DETAIL

- 12.1 An enforcement notice was issued on 22 March 2007 requiring the cessation of the use of the site as a car wash. There was an appeal in 2007, and it was dismissed. The use should have ceased early in 2008.
- 12.2 Prosecution action has been taken against the operators, but the individual in question is proving elusive, and the issue is unresolved.
- 12.3 It is open to the Council, as an alternative to prosecution for breach of the enforcement notice, to apply for an injunction, requiring all parties with an interest in the site, or otherwise involved, to cease the unauthorised use as a car wash.
- 12.4 Failure to comply with an injunction, if the courts grant one, is sometimes a more serious matter than non-compliance with an enforcement notice, and is likely to increase the prospects for success in controlling this activity on the site.
- 12.5 It is recommended that an application for an injunction be made to the court, and that officers be authorised to take that action.