



Planning Committee

27th May 2010

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Rear of 13 Daw End, Rushall

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take planning enforcement action in respect of the installation of a lorry body at land to the rear of 13 Daw End, Rushall for use as a storage container for domestic purposes.

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.
- 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 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:-

The installation without planning permission of a lorry body used for the storage of domestic related items.

Steps required to remedy the breach:-

Remove the lorry body and any associated fixtures and fittings in its entirety from the site.

Period for compliance: Two months after this notice takes effect

Reasons for taking Enforcement Action:-

The lorry body is an incongruous permanent structure within a domestic setting which is designated Green Belt. The form, bulk and design of the lorry body is not compatible with the character of the surrounding area. This brash development has a detrimental impact upon visual amenity and particularly on the Daw End Branch Canal. The lorry body fails to achieve high standards of design and does not integrate sensitively with the canal. This large structure impacts upon the outlook of adjacent residential properties to the detriment of residential amenity. Furthermore the development constitutes inappropriate development within the Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm such development causes. The development is therefore unacceptable because it is contrary to policies 2.2, GP2, ENV2, ENV3, ENV32 and LC9 Walsall's Unitary Development Plan and guidance given in Planning Policy Statement 1 and Planning Policy Guidance 2.

3.0 FINANCIAL IMPLICATIONS

None arising directly 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 directly from this 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

Rushall-Shelfield

9.0 CONSULTEES

9.1 None.

10.0 CONTACT OFFICER

Paul Hinton 01922 652486

11.0 BACKGROUND PAPERS

Enforcement file not published.

D. Elsworthy, Head of Planning and Building Control Services

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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 The use of the site for the parking of heavy goods vehicles and the storage of lorry bodies was first reported to Planning Enforcement officers in November 2005. Officers considered that a change of use had taken place and that planning permission was required, but was unlikely to be supported given the Green Belt designation and proximity to residential properties. Following correspondence in May 2006 the heavy goods vehicles were removed from the rear of the site.
- 12.2 In November 2006 it was reported to officers that a container had been brought onto site. An officer visit of 30th November 2006 confirmed a lorry body positioned to the rear of the house (note – this was in a different position to the current lorry body). The owner was again written to.
- 12.3 Two further lorry bodies were brought onto site between November 2006 and June 2007 and during this time the current lorry body was moved into its current position.
- 12.4 At present there is one lorry body positioned within the grassed area to the rear of 13 Daw End. This area of land is being used for domestic purposes. Due to the shape of the land the lorry body is positioned behind the rear fence of the back gardens of 9 and 11 Daw End and in close proximity to the Daw End Branch Canal. There is no boundary treatment to the canal and there are direct views from the tow path, from the rear of dwellings across the canal and from the adjacent bridge over the canal. Beyond the rear of this piece of land are open fields.
- 12.5 The lorry body is used for storage of domestic items for the occupiers of 13 Daw End and acts in the same function as a typical garden shed. This is a large structure which is out of character with its domestic and canal surroundings. It is expected that all developments make a positive contribution to the quality of the environment. This structure has a negative effect bringing a commercial appearance to a domestic/semi-rural environment. Poorly designed development which fails to properly take account of context or surroundings will not be permitted. The development therefore fails to meet the requirements of UDP policies GP2 and ENV32.
- 12.6 The structure has an adverse impact on the outlook from adjacent dwellings by virtue of its height, bulk and its general industrial character on the fringe of a residential/rural environment. The development is therefore contrary to policy GP2 of the UDP.
- 12.7 The area is also designated Green Belt and the site is next to a canal; both requiring sensitively designed development under the requirements of the UDP. This large structure sits on its own folded out legs as it would within a haulage yard. The Green Belt is not the place to have an industrial structure; an area which is designated for its openness and attractive landscape characteristics. This bulky structure by virtue of its design, form, scale and appearance is not

compatible with the character of the surrounding area and is therefore in direct conflict with the requirements of UDP policies ENV2 and ENV3.

- 12.8 It is expected where development takes place next to the canal the development relates positively to the waterway by achieving high standards of design and would be sensitively integrated with the canal. The lorry body which functions as a garden shed does not achieve this and is therefore in direct conflict with the aims and objectives of UDP policy LC9.
- 12.9 The owner has been advised on a number of occasions that the structure needs planning permission but any application is unlikely to be supported and therefore the structure should be removed. No application has been made and the structure remains in place. Therefore because of the harm the development is causing, as explained above, it is considered expedient that enforcement action is now taken through the issue of an enforcement notice. Officers therefore request that authorisation is given to take this course of action.

13 Daw End, Rushall

