



Walsall Council

Item No.

Development Control Committee
27 January 2009

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

64 Friezeland Lane, Walsall

1. PURPOSE OF REPORT

To advise members of a breach of planning control and request authority to take enforcement action.

2. RECOMMENDATIONS

- 2.1 That authority is given to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the issuing of an Enforcement Notice and Requisition for Information Notices.
- 2.2 That authority is delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence prosecution action in the event that the enforcement notice or the Requisition for Information Notices or a Planning Contravention Notice are not complied with.
- 2.3 That authority is delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence injunctive proceedings to restrain the breach of planning control.
- 2.4 That authority is also delegated to the Head of Planning and Building Control in consultation with the Assistant Director – Legal and Constitutional Services to amend, add to, or delete from the wording set out below, stating the requirement(s) of the Notice or identifying the boundaries of the site:

Breach of Planning Control

Use for parking of vehicles, including commercial vehicles where these uses are not incidental to the domestic use.

Requirements of the Enforcement Notice

To permanently remove vehicles from the curtilage of the property except those vehicles which are incidental to the lawful use of the property.

Reasons for issuing the Notice

The use of a residential property for the parking and storage of commercial vehicles has materially changed the character of the property to an unacceptable degree. Further the unauthorised use has a detrimental impact upon the amenity of the area and amenities of nearby residents by virtue of its visual impact arising from the number and type of vehicles caused and potential noise and disturbance arising from the use.

The development is therefore contrary to policies GP2, ENV10, and ENV32 of the Walsall Unitary Development Plan.

3. **FINANCIAL IMPLICATIONS**

No additional costs arising from the report at this stage..

4. **POLICY IMPLICATIONS**

Officers consider that remedial action is necessary to comply with policies.

5. **LEGAL IMPLICATIONS**

Non-compliance with an enforcement notice is an offence and may lead to the instigation of prosecution proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7. **ENVIRONMENTAL IMPACT**

The report recommends action to remedy an adverse impact on amenity.

8. **WARD(S) AFFECTED**

Brownhills

9 **CONSULTEES**

None

10 **CONTACT OFFICER**

Tonia Upton
01922 652411

11. **BACKGROUND PAPERS**

Enforcement File – Not published

Head of Planning and Building Control

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64 Friezland Lane

12 BACKGROUND AND REPORT DETAIL

- 12.1 This report relates to a detached house within a residential area, on the corner of Simmonds Lane and Friezland Lane, Brownhills,. The gardens extend to the front and side of the property and these areas are used for parking and storing cars, commercial vehicles and a caravan, Recovery vehicles have been noted parked outside the property.
- 12.2 The use has a detrimental impact on amenities of the area by virtue of the visual impact on the streetscene and residents and also by potential noise and disturbance. The problems are exacerbated by the fact that the property is located on a prominent corner site which gives rise to significant harm in visual terms. It is considered that enforcement action is required as set out.

Head of Planning and Building Control

64 Friezland Lane

