



Planning Committee
2nd December 2010

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

8 Grove Crescent, Pelsall, WS3 4NG

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take planning enforcement action in respect of the use of a domestic property for the storage of cars and a commercial vehicle.

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 breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site:

Details of the Enforcement Notice

The Breach of Planning Control:-

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

Steps required to remedy the breach:-

Permanently remove all vehicles from the curtilage of the property with the exception of a maximum of four vehicles which are incidental to the lawful use of the property.

Period for compliance:-

One month

Reasons for taking Enforcement Action:-

The use of the residential property for the parking and storage of seven cars and a flat back commercial vehicle has materially changed the character of the property to an unacceptable degree. The scale and intensity of the storage is far in excess of what could reasonably be considered incidental to the enjoyment of the dwellinghouse and accordingly a material change of use has occurred. 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.

The development is therefore contrary to saved policies 2.2, GP2 and ENV32 of the Walsall Unitary Development Plan and national planning policy PPS1.

3.0 FINANCIAL IMPLICATIONS

An appeal against an enforcement notice could be subject to an application for a full or partial award of the appellant's costs in making an appeal if it was considered that the Council had acted unreasonably.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies. The following planning policies are relevant in this case:

Saved Policies of Walsall's Unitary Development Plan (2005)

2.2: Creating, sustaining and enhancing a high quality natural and built environment.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

National Policy

PPS1 – Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Developments should respond to their local context and create or reinforce local distinctiveness.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from the report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 WARD(S) AFFECTED

Pelsall

9.0 CONSULTEEES

None necessary.

10.0 CONTACT OFFICER

Paul Hinton 01922 652486

11.0 **BACKGROUND PAPERS**

Enforcement file not published.

David Elsworthy
Head of Planning and Building Control

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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 This report relates to a semi-detached house within a residential area of Grove Crescent, Pelsall. The area is characterised by open plan gardens and driveways. There is a driveway to the front of the property which leads along the side of the property to the rear garden. The front drive and garden is being used for the storage of four cars and a flat back recovery vehicle. The drive to the side, which is largely obscured from public view, is used for the storage of three cars.
- 12.2 It is unacceptable to have seven cars and a recovery vehicle parked within the boundary of a residential property. The scale and intensity of vehicle storage is far in excess of what can be reasonably considered to be acceptable or considered to be incidental to the enjoyment of the dwellinghouse. The parking of a large recovery vehicle on a domestic drive is wholly out of character and inappropriate. The whole of the area to the front of the property is covered by vehicles with further vehicles to the side of the property. The vehicle storage has a damaging effect on the amenity of this residential area and materially changes the character of the area.
- 12.3 The owner has been advised to permanently remove the recovery vehicle and to have no more than four cars parked within the curtilage of the site. The owner has been seeking alternative locations for some of the cars which the owner restores as part of his hobby, but has so far been unable to relocate the vehicles. The seven cars and recovery vehicle remain, 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.