

Council – 2 July 2007

Scrap and associated business from home

Service Area: Planning and Building Control

Wards: All

Summary of report

The attached note has been prepared as background information for the Council meeting in view of the notice of motion as stated below, which has been submitted by Councillors Robertson and Young

This Council recognises that those residents who deal in scrap and associated businesses from their home without planning permission are guilty not only of breaking the law but also of serious anti social behaviour contributing to ruining out neighbourhoods.

This Council resolves to make every effort via a full strength enforcement team to stop this activity and to urge and give every assistance to our partners such as the environmental agency and the police. This Council will also share such information with Walsall Housing Group them to enforce their tenancy agreements which are clearly being broken in these cases and where appropriate information will be shared with our statutory partners.

Signed:

A handwritten signature in blue ink, appearing to be 'T. Johnson', is written over a vertical line.

Executive Director: Tim Johnson

Date: 22 June 2007

1. There has been a history of several families particularly within the Blakenall area, where there are 5 individual active cases, who are largely self employed who collect and recycle scrap materials. Planning enforcement has investigated such matters over the years and from their experience this type of business activity is largely focussed in this area of the borough only.
2. As with any business operation from home whether or not planning permission is required is a matter of fact and degree based on relevant planning land use issues. In some cases persons use a vehicle to conduct their business (e.g. taxi's, white vans and flat bed wagons) and these are also used to travel to the place of work and home. In such cases this does not usually mean that the use of the property has changed its use and therefore planning permission is not necessary. This has been the situation in some cases in this area with scrap being loaded onto flat bed vehicles which are in transit from collection to the point of disposal. Often these are not parked on the premises but on the highway therefore being exempt from planning enforcement.
3. Where scrap material is being stored at the home beyond a level that cannot reasonably be attributable to a hobby or other ancillary purpose to the use of dwelling then planning permission is required as a change of use would incur. In such instances enforcement action can be pursued where the owner refuses to reduce the level of material to a reasonable level. Again this has been experienced in this area.
4. The council has taken formal enforcement action at addresses within the Borough. This has included serving an enforcement notice requiring the removal of the scrap material, but was not successful in clearing all the material as the owners reduced the material to a level that was accepted as being related to the use of the dwelling rather than a business. If the level of material stored at the property rises again, investigations are undertaken which may require further action to enforce the enforcement notice. If this is required a report is brought to the Development Control Committee setting out reasons and seeking authorisation.
5. The planning enforcement team works closely with partner organisations such as WHG where necessary especially where it is apparent that a quicker or more relevant action by the partner organisation's relevant legislative or legal control would be more expedient. The team will conduct a review of previous known cases in the area and will respond to any new complaints that may be brought to its attention from any Councillor or local resident.

David Elsworthy
Head of Planning and Building Control
22 June 2007