



REASON FOR URGENCY

The report is presented as a late item to provide urgent information to Members in relation to an enforcement investigation.

PLANNING COMMITTEE

4th April 2013

Report of Head of Planning and Building Control

4, Well Lane, Blakenall, Walsall.

1.0 PURPOSE OF REPORT

To provide the Committee with information regarding the progress in investigating a possible breach of planning control, involving the keeping of chickens in the rear garden at a semi-detached house.

2.0 RECOMMENDATIONS

2.1 That the Committee notes the information.

3.0 CONTACT OFFICERS

Philip Wears, Planning and Building Control - 01922 652611

4.0 BACKGROUND PAPERS

Planning Enforcement files not published.

5.0 BACKGROUND

5.1 Planning officers received information from your Environmental Health Officers regarding the keeping of chickens in the rear garden. The keeping of chickens at a house is frequently a lawful 'domestic' activity which does not require planning permission. However in this case batches of ex-battery farm chickens were brought in for later distribution to other addresses for 're-homing'. This was responsible for the numbers of chickens occasionally peaking at 150, until they were 're-homed' soon after. The neighbours to either side were concerned about smell and flies.

5.2 On the basis of the information received planning officers wrote to the house occupiers in July 2012 to advise that given the large scale of the chicken-keeping there was an unauthorised change of use. Contacts with neighbours indicated no issues with visitor numbers, traffic, or noise; and issues of smell and flies were not confirmed.

- 5.3 At a visit in August planning officers found a garden shed at the bottom of the garden with a large covered pen erected in front of it. These two buildings were accommodating about 80 chickens, about half for 're-homing' and half for their egg laying. Down one side of the rear garden was a row of small timber sheds about 2.15m high, and down the other side, and also in the middle were 'hutches' and low cages up to about 1.2 metre high. These small buildings contained smaller groups of poultry, so there was about 100 overall. These buildings also contained pets such as aviary birds and rabbits. The rear garden was congested and untidy in appearance.
- 5.4 The occupiers stated that there had been difficulties in relocating urgently from other land, and also that the 're-homing' of chickens was being phased out as public interest in it had waned. However they wished to continue keeping a much reduced number of chickens for egg laying, and were committed to making improvements.
- 5.5 In pursuing the occupiers on the changes to be made they stated that the large covered pen would be removed. At a follow-up visit in January 2013, this had taken place, and the total number of poultry had reduced to a maximum of 50, with further reduction predicted. The garden was clearly in a state of disruption and change, and was still untidy. However planning officers considered there was no clear breach of planning control at the time. The occupiers supplied a plan showing the forthcoming removal of three of the 2.15m high sheds, the addition of 3 new covered pens up 1.8m and 1.2m high, and the paving of the garden.
- 5.6 At an unannounced follow-up visit on 27th March 2013, only partial inspection was possible, but at least one more shed had been removed, and the garden was relatively tidier. Planning and Environmental Health officers are due to make a fuller joint visit on Friday 5th April. This will not only confirm the progress made in improving the rear garden but will assist in identifying any harmful impacts. In addition Planning officers have issued a Planning Contravention Notice to elicit factual answers from the occupiers regarding any resumption of bringing in ex-battery chickens.

David Elsworthy – Head of Planning and Building Control