



Development Control Committee  
11 December 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL - REGENERATION

Queslett Road – Former Petrol Service Station

**1.0 PURPOSE OF REPORT**

To request authority to take planning enforcement action.

**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), and requisitions for information notices as set out in 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services.
- 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:-

Change of use to vehicle wash

Steps required to remedy the breaches:-

Cease to use the land for the purpose of vehicle wash operations.

Permanently remove from the site all vehicles, equipment and any other materials associated with the use of this site for vehicle wash.

Permanently remove the mobile building from the site.

Period for compliance:-

1 month

Reasons for taking Enforcement Action:-

The unauthorised use of the land as a vehicle wash is not an appropriate use of the land. The land lies within the Green Belt where there is a presumption against inappropriate development for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt, have been put forward. For this reason the proposal is contrary to PPG2 Green Belt and paragraph 3.3. and Policies GP2 and ENV2 of the Walsall Unitary Development Plan.

**3.0 FINANCIAL IMPLICATIONS**

None arising from the report.

**4.0 POLICY IMPLICATIONS**

The report recommends enforcement action in order to seek compliance with planning policies.

**5.0 LEGAL IMPLICATIONS**

Non compliance with an Enforcement Notice is an offence for which Council could instigate legal proceedings.

**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**

Pheasey Park Farm

**9.0 CONSULTEES**

None

**10.0 CONTACT OFFICER**

Tonia Upton

Planning Enforcement Team: 01922 652411

**11.0 BACKGROUND PAPERS**

Enforcement file

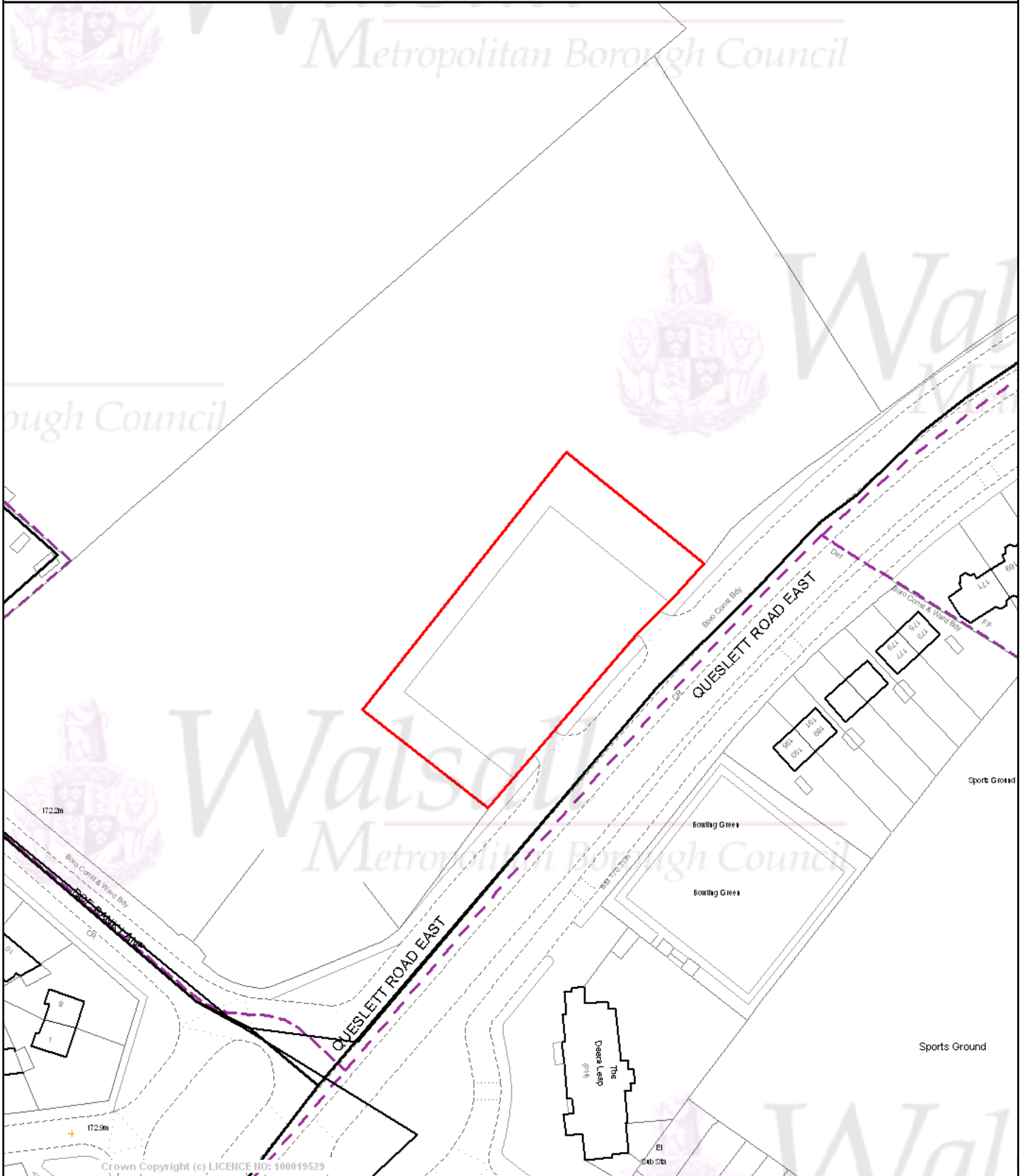
D. Elsworthy Head of Planning and Building Control - Regeneration

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**12 BACKGROUND AND REPORT DETAIL**

- 12.1 The Council has received complaints about the use of this vacant petrol station as a vehicle wash. Complaints were first received at the beginning of August 2007 when car wash advertisements were placed on the site. The use commenced around 26 September 2007. A mobile building was installed prior to the commencement of the use.
- 12.2 The land owners and their solicitors have been advised the use should cease (prior to the use commencing and since).
- 12.3 The use is a breach of planning control. Enforcement action would be expedient.
- 12.4 Given that the site lies within the Green Belt where there is a presumption against inappropriate development planning permission would be unlikely to be granted given the detrimental impact upon its openness, character and purpose.
- 12.5 Planning Policy Guidance Note 2 (PPG2) seeks to protect against inappropriate development that is harmful to the Green Belt, including construction of new buildings. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. No special circumstance have been given.
- 12.6 Further, the installation of the mobile building is contrary to the development plan and PPG2 where there is a presumption against construction of new buildings in the Green Belt except for specific purposes. In addition it is contrary to policy ENV32 which states that poorly designed development which fails to take account of the context or surroundings will not be permitted. This is particularly significant within or adjacent to green belt, agricultural or open land.
- 12.7 The matter has been reported to Transportation who have not raised any specific objections however prior to the service of any enforcement notice a further opportunity will be given for them to appraise the development and any adverse comments will be included in the reasons for taking enforcement action.

# Queslett Road East - Former Service Station



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