



PLANNING COMMITTEE
29th March 2012

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

2 Isis Grove, Willenhall, Walsall, WV13 1JD

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action in respect of the erection of three brick pillars.

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 Head of Legal and Democratic 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 Head of Legal and Democratic 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:-

Without the required planning permission the erection of three brick pillars

Steps required to remedy the breach:-

Reduce the height of each brick pillar to no more than 1m above ground level.

Period for compliance:-

One month

Reason for taking Enforcement Action:-

The brick pillars due to their height are visually intrusive and out of character with their surroundings. The development is therefore contrary to the aims and objectives of saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan, ENV3 of the Black Country Core Strategy, policy DW3 of Supplementary Planning Document Designing Walsall and the objectives of Planning Policy Statement 1.

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:

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

The Black Country Core Strategy

The Black Country Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

ENV3 requires high quality design.

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

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

i. Visual appearance

Policy 3.6 development should help to improve the environment of the Borough.

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

T7: All development should satisfy the car parking standards set out in policy T13.

T10(a): The standards for residential car parking should be seen as neither maximum nor minimum but the typical requirement. Certain site specific and locational circumstances will justify a reduction.

T13: 4 bedroom houses and above – 3 spaces per unit.

Supplementary Planning Document Designing Walsall (2008)

DW3: New development should be informed by the surrounding character and to respond to it in a positive way.

National Policy

PPS1: Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and the quality of an area and the way it functions, should not be accepted.

PPG13 – Transport: Local authorities should...use parking policies alongside other planning and transport measures to promote sustainable transport choices and reduce reliance on the car for work and other journeys.

PPG18 – Enforcing Planning Control: The decisive issue for the Local Planning Authority should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings merits protection in the public interest.

The National Planning Policy Framework Consultation Draft was issued on 25 July 2011. The document has now completed its consultation and received widespread publicity and significant responses. Ministers have confirmed that amendments to the document will be made. The CLG Select Committee has completed its assessment with 35 key recommendations. The Government is considering these. As such, the consultation document carries very limited weight. Officers note the intention of Government is that the planning system is plan-led and Local Plans are the starting point for the determination of any planning application.

5.0 LEGAL IMPLICATIONS

None arising from the report.

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

Willenhall South

9.0 CONSULTEES

Transportation – No objection. The removal of the garage is not considered to give rise to any highway safety concerns.

10.0 **CONTACT OFFICER**

Tim Pennifold

Planning Enforcement Team – 01922 652411

11.0 **BACKGROUND PAPERS**

Enforcement file not published

David Elsworthy

Head of Planning and Building Control

Planning Committee
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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 2 Isis Grove is a detached house within a modern residential estate. A condition of the planning permission for the estate includes the requirement to retain garages and parking areas. In April 2009 a complaint was received about the erection of brick pillars to the front of the house. Following investigation it was also noted that the garage had been converted to living accommodation.
- 12.2 Discussions took place with a representative of the landowner in November 2009 and was advised that the pillars were not acceptable and that the converted garage should be addressed by applying for retrospective planning permission. No applications or remedial work took place. In January 2011 the owner was written to and advised that the matters remained outstanding and was given the opportunity to resolve the matter. In the absence of any planning application or remedial work, enforcement action needs to be considered.
- 12.3 By converting the garage to living accommodation, a parking space has been lost. This is a four bedroom property, which under saved UDP policy T13, three parking spaces are normally required. There is a drive to the front of the property that can accommodate two vehicles. There is also space within the garden to the front and side of the property that could be used to create an additional parking space. This would most likely be a requirement of any planning permission to retain the garage. In the absence of any planning application it needs to be considered whether it would be expedient to take enforcement action to require the garage to be reinstated.
- 12.4 Transportation have considered the site specific and local circumstances and do not object to only having two parking spaces for a four bedroom house. The property is not on a main road and given its position within the middle of the street, it is not considered that the converted garage and reduction in parking provision would give rise to conditions prejudicial to highway safety. It is also recognised that national guidance encourages reducing the reliance on the car for work and other journeys. It is therefore not considered expedient, in the circumstances, to pursue the breach of planning control in regard to the converted garage.
- 12.5 The three 1.85m high brick pillars to the front of the house are out of character with their surroundings. The rest of the estate is largely open plan and as a consequence of their height the pillars are of a poor visual appearance and fail to properly take account of their context or surroundings. Permitted development rights for walls and fencing are available. Therefore the owner has the opportunity to retain the pillars, but at a height no greater than 1m above ground level. In view of the above it is considered expedient that enforcement action is now taken through the issue of an enforcement notice to rectify the breach of planning control in regard to the pillars and the visual harm they are causing. Officers request authorisation is given to take this course of action.