

Enforcement and possible unauthorised development

1. Introduction

This report considers current matters of enforcement and possible unauthorised development. Authority to take planning enforcement action is delegated to the Head of Economy, Planning and Strategic Housing. Matters that require a Committee decision are reported, together with delegated decisions to take action.

It is not an offence to carry out works without planning permission and the National Planning Policy Framework (NPPF) states that enforcement action is discretionary and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Local authorities are also advised to take action only where it is appropriate to do so. The purpose of this report is therefore to report to Committee decisions with regard to enforcement action and/or to seek approval for further action.

2. Policy

The Council's Approach to Planning Enforcement is set out in the adopted Local Enforcement Plan. The essential thrust of the Plan is that we will not condone wilful breaches of planning law, but we will exercise our discretion regarding enforcement action if it is considered expedient to do so. Our priorities with regard to enforcement are:

- To focus our resources to ensure that the most pressing and harmful issues are addressed appropriately.
- In determining the expediency of enforcement action we will have regard to the seriousness of any harm which is evident as a result of a breach of planning control.
- Matters which can potentially have a serious impact on the safety or amenity of residents or occupiers of property or on the natural environment will take priority over minor infractions and matters of dispute between neighbours.

3. Items

Each item contains a full description, details of any investigation, and an assessment of the situation and concludes with a recommendation.

This report relates to:

Item 1 Delegated Decisions on Enforcement Action

All information, recommendations and advice contained in this report are understood to be correct at the time of writing this report. Any change in circumstances will be updated verbally at the Committee meeting. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting, a separate sheet will be circulated at the meeting to assist Members in following the modifications proposed.

4. Human rights

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. Any recommendation either to take or not to take enforcement action has been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict this will be highlighted in the individual report on the relevant item.

5. Financial implications

There are no direct financial implications arising from this report. However, in the event of an appeal, further resources will be put towards defending the Council's decision. Rarely, and in certain circumstances, decisions on planning enforcement cases result in the Council facing an application for costs arising from a planning appeal. Officers will aim to alert Members where this may be likely and provide appropriate advice in such circumstances.

Tim Mills
Head of Economy, Planning and Strategic Housing

BACKGROUND PAPERS

Rushmoor Local Plan (2019)

Rushmoor Local Enforcement Plan (2016)

National Planning Policy Framework (NPPF)

Item 1

Delegated Decisions to take Enforcement Action

The Following Decision is reported for INFORMATION purposes only. It relates to a decision to take no further action that has already been made by the Head of Economy, Planning and Strategic Housing in accordance with the Council's adopted Scheme of Delegation.

If Members wish to have more details about the decision on any of the cases below, please contact John W Thorne (01252 398791) in advance of the Committee meeting.

Address	18 & 20 Albuhera Road Wellesley Aldershot
Ward	Wellington
Decision	No Further Action
Decision Date	27/01/2021
Reasons	Satellite dishes have been installed on the front elevations of both properties. Planning permission is required due to the Article 4 Direction placed on the Wellesley development in January 2021. Due to the size and position of the dishes and the absence of external cable visible on the front elevation, the development would be considered acceptable if a planning application were to be submitted. The owners have been invited to submit planning applications but have not done so to date.
Alternatives	An enforcement notice could be issued to seek the removal of the satellite dishes, but as the development is considered acceptable it is not considered expedient in this circumstance.
Case Officer	Tara Hasty
Associated Documents	Enforcement References 21/00132/AERIAL & 21/00134/AERIAL



Address 50 Ayling Lane Aldershot

Ward Rowhill

Decision **No Further Action**

Decision Date 27/01/2021

Reasons An outbuilding has been erected in the rear garden. The outbuilding requires planning permission as it is over 2.5 metres high within 2 metres of a boundary.

An initial complaint was received regarding the height of the outbuilding adjacent to the boundary and the presence of a window high up in the eaves. There is no first floor in the outbuilding and the window was installed to give more light into the building. The nearest neighbouring property is approximately 20 metres away and there is considered to be no harmful impact on neighbours in terms of mass and bulk or overlooking

Due to the position of the outbuilding and the design, which is typical for a residential garden, the development would be deemed acceptable if a planning application were to be submitted but one has not been forthcoming.

Alternatives An enforcement notice could be issued to require the removal of the outbuilding, but as the development is considered acceptable it is not considered expedient in this circumstance.

Case Officer Tara Hasty

Associated Documents Enforcement Reference 21/00062/RESWRK

