

## **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 Planning. 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 normally, therefore, is to report to Committee matters that are breaches of planning control but where it is recommended that it is not expedient to take enforcement 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 about taking enforcement action if it is considered expedient to do so. The 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 Decision to take 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.

Keith Holland  
Head of Planning

#### **BACKGROUND PAPERS**

*Rushmoor Local Plan Review (1996-2011)*[saved policies]

*Rushmoor Core Strategy (October 2011)*

*Rushmoor Local Enforcement Plan (2016)*

*National Planning Policy Framework (NPPF)*

## **Item1**

### **Delegated Decision to take Enforcement Action**

The Following Decision is reported for INFORMATION purposes only. It relates to a decision to take enforcement action that has already been made by the Head of Planning in accordance with the Council's adopted Scheme of Delegation.

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## **DELEGATED DECISION TO TAKE ENFORCEMENT ACTION AND INSTRUCTION TO ISSUE NOTICE**

Planning Officer:- Mark Andrews

### **Planning Reference 16/00109/HOME**

Storage and sales of cars at 36 Mayfield Road Farnborough Hampshire GU14 8RS

### **Type of notice:**

Enforcement Notice

### **What is the breach of planning control?**

Without planning permission, the material change of use of the land from residential to a mixed use comprising residential, the storage of motor vehicles and the sale of motor vehicles. It appears that vehicles being stored on the property are not ancillary or incidental to the residential use of the property and therefore a material change of use has occurred.

### **Alternatives**

No Action would result in continued material planning harm. This is in respect of the introduction of an inappropriate commercial activity within a residential area, resulting in significant material harm to the amenity of the area and a detrimental impact on the visual character of the property and area.

### **Relevant Development Plan Policies**

#### **Saved Local Plan Policies**

- ENV17 - smaller sites
- TR10 - contributions to fund works to the local transport infrastructure

#### **Core Strategy Policies**

- CP2 - Design and heritage
- CP16 - Reducing and managing travel demand

## Emerging Local Plan Policies

- IN1 – Infrastructure and community facility
- IN2 – Transport
- DE1 – Design in the built environment

### **Has a PCN been served?**

Yes

### **Has a check been made that breach is not permitted development?**

The permitted use of the site is residential (Use Class C3). There are no permitted development rights to store and sell non-ancillary vehicles from such a property.

### **Name of owner or person thought to be responsible for breach?**

Mr Jason Hancock

### **Name of planning agent or solicitor**

None

### **What steps are required to remediate the breach?**

Cease the use of land for the storage of and or sale of motor vehicles. Remove all vehicles from the site, other than those owned by the residential occupiers of the property and/or stored in connection with and ancillary to the residential use of 36 Mayfield Road, Farnborough.

### **What is the timescale for compliance?**

2 months.

### **What is the fee for ground (a) appeal?**

£770

### **Has there been any correspondence with owner?**

Yes, there is an active Enforcement File

### **Who are the ward councillors?**

Cllr David Bell  
Cllr Rod Cooper

### **Have they been advised?**

Yes

**Chairman of Planning Committee advised?**

Yes

**This item is published on the agenda of the Development Management Committee in accordance with the requirements of Regulation 8 of the Openness of Local Government Bodies Regulations 2014.**

Decision Date 22<sup>nd</sup> January 2018

Signed – Development Manager: John Thorne

A handwritten signature in purple ink, appearing to read 'J. Thorne', with a stylized flourish at the end.

