

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)

Item No. 1

Site location Pretoria Cottage 7 Church Path Farnborough

Alleged breach Erection of a single storey rear extension

Recommendation No further action

Description

The property is a bungalow, one of a number set behind the frontage properties of Somerset Road. There is no vehicular access and pedestrian access is via Church Path and an alleyway from Somerset Road. There is a 1.8 metre high close board fencing to the rear with a matching gate. The bungalow is rendered and painted cream, and has slate and concrete roof tiles. The bungalow when originally built, was facing Church Path. Over the years, the orientation of the bungalow has changed and the principal elevation of the property now faces Somerset Road.

Alleged breach

A complaint was received that an extension was being built without planning permission.

Investigation

A site visit was made and the single storey extension measured at 3 metres deep x 5.8 metres wide and approximately 4 metres high to the roof ridge.

Although the measurements fall within permitted development limits, the extension has been built in timber so the materials of the external walls do not match those of the existing property (a condition of permitted development). It therefore requires planning permission.

Commentary

The owners of the property were invited to submit a planning application for the retention of the extension but after protracted correspondence no application has been forthcoming.

The extension is in an unobtrusive location, set back away from the street frontage and behind close boarded fencing. Although the materials are not matching, the extension is considered to have no adverse impact on the street scene.

The extension is approximately 1 metre away from the boundary with the neighbouring property at No. 8 Church Path and 4.5 metres away from No. 6 Church Path.

An extension of this size in this location could have been built as permitted development. The only reason it requires planning permission is due to the external materials. It is considered there would be no grounds for a refusal of planning permission in the event of a planning application being submitted.

Full recommendation

It is recommended that no further action be taken.

7 Church Path

