

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 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 76 Alexandra Road, Aldershot

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 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 76 Alexandra Road, Aldershot, Hampshire GU11 1QN

Alleged breach Fence over one metre in height erected to the front boundary
Wooden Shed erected to front boundary

Recommendation No further action

Description

The property is an end of terrace corner plot, fronting both Alison Way and Alexandra Road in Aldershot. The main frontage faces Alison Way, with two bay windows at ground floor level and a doorway. There is also a doorway fronting Alexandra Road, but no windows at ground floor level. The property is rendered white. The frontage of the property is paved with seating and planters.

There is an area of land to the west of the property housing one single garage with garage door, and one carport-type parking area. This is of concrete construction with driveways to the front, allowing for covered parking for two cars, and the driveway will hold a car in front of both garages. It opens onto Alison Way.

This land has recently come into the ownership of the owner of 76 Alexandra Road.

Alleged breach

An enquiry was received *“about the 2 metre fence built across the turning area at the end of Alison Way, Aldershot GU11 3JX, this is a dead end road with cars parked both sides of the road and the only area to turn round is now blocked due to a lack of space, resulting in vehicles of all sizes having to navigate the length of the road in reverse causing a hazard to other vehicles and pedestrians alike”*

Investigation

A site visit was carried out on 4 October 2018 to investigate this alleged breach. There was no blockage of the highway of any kind, but a wooden fence with gates had recently been erected across the entrance to the concrete garage structure, without planning permission. The driveway has a dropped kerb.

It is possible that this area may have been informally used by members of the public to nose into and reverse out of when turning when the road is full of parked cars, hence the complaint. This does not form part of the public highway and is a driveway in private ownership. The complainant has been made aware of this.

However the erection of a fence over 1m in height fronting a highway does require planning permission. It was also noted that a wooden shed has been placed at the front of the property, without planning permission.

Commentary

The owners of the property were contacted and asked to submit a formal planning application for the alteration and/or retention of the fence and shed. The owners advised that the garage structure is being removed, as it is failing and unstable. Once this area is cleared, the shed will be relocated to an acceptable location to the rear of the property. The driveway fencing will be retained, in part to provide privacy and security. Following correspondence and discussion, no application has been forthcoming to retain the fencing. Were an application to be submitted, it would be recommended for approval.

Full recommendation

It is recommended that no further action be taken.

