

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 Decision 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 decision by the Corporate Planning Manager to take action in respect of an alleged breach of planning control.

The following decision is reported for INFORMATION purposes only. It relates to an enforcement case where a breach of planning control has occurred.

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

Address	85 North Lane Aldershot
Ward	North Town
Decision	Instruct the Corporate Manager, Legal Services to Issue a Breach of Condition Notice requiring the development to be carried out in accordance with the approved drawings
Decision Date	2 nd August 2019
Reasons	<p>In order to meet the Council's adopted parking standard in relation to the extension of this property, the approved plans featured an open car port to provide a third off-street parking space. The development has been constructed with a fully enclosed garage with doors which is sub-standard in size and is considered unusable to accommodate a parked vehicle. The Council's Supplementary Planning Guidance on car parking does not accept garages in new development as usable parking spaces unless they have internal dimensions of 6m x 3m. The attached photograph illustrates that there is insufficient room to open the doors when a medium sized vehicle is in the garage. This garage featured in the initial submission but was removed from the submitted proposal after it was brought to the attention of the applicants' agent as unacceptable. They were advised that planning permission would not be granted with it in place. The amended scheme featuring an open car port was granted planning permission on 10th May 2018</p>
Alternatives	No further action would result in a development likely to give rise to additional on-street parking in the surrounding streets.
Case Officer	Tara Cowell
Associated Documents	Planning reference: 18/00032/FULPP. Enforcement Reference 19/00113/COND5

