

## **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 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 (Adopted Feb 2019)*

*Rushmoor Local Enforcement Plan (2016)*

*National Planning Policy Framework (NPPF)*

## Item 1

**Delegated decision by the Corporate Planning Manager to issue an Enforcement Notice in respect of alleged breaches of planning control.**

**The following decision is reported for INFORMATION purposes only. It relates to a breach of planning control where a decision to issue an enforcement notice has been taken in accordance with the Council's 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.**

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Address	59 Field Way, Aldershot
Ward	North Town
Decision	Instruct the Corporate Manager, Legal services to issue an enforcement notice
Decision Date	05/11/2019
Reasons	An investigation following a complaint has indicated unauthorised internal works have taken place which are not in accordance with planning permission 14/00585/FUL dated 3 September 2014 for the conversion of an existing garage to form habitable room, erection of a single storey front extension, first floor side extension and part two and single storey rear extension. As a result the extension has been configured and is in use as a separate dwelling. Undertakings to remedy the breach of planning control given by the owner in June 2015 in response to a Planning Contravention Notice have not been honoured. Occupiers have recently attempted to deny access to Council officers to carry out inspections of the property.
Alternatives	In the absence of enforcement action, the unauthorised use of a separate dwelling which fails to comply with the policies of the development plan would become established with inadequate off street car parking, with no mitigation provided to address the consequent impact on the Thames Basin Heaths SPA.
Case Officer	Katie Ingram
Associated Documents	Enforcement Reference 14/00169/XPLANS