

## **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 Decisions to take Enforcement Action

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

---

Address	<b>1 Blunden Road, Farnborough</b>
Ward	West Heath
Decision	<b>Issue an instruction to serve a Section 215 (Untidy Site) Notice</b>
Decision Date	06/07/2021
Breach	Long-term failure to keep the external areas of the property tidy and free from thick overgrowth with weeds which is considered to have a material impact on the visual character and appearance of the area. The overgrowth has, this year, now completely covered the on-site parking spaces at the property such that it is no longer possible to park on the property. As such, it is considered appropriate for the Council to take enforcement action using s215 of the Town & Country Planning Act 1990 to require the external areas of the property to have the overgrowth of vegetation removed. See photograph overleaf.
Reasons	The property is a semi-detached bungalow located in a prominent position close to the junction of Blunden Road with West Heath Road. The property has been brought to the attention of the Council's Corporate Empty Homes Group and has an absentee owner whom is refusing to engage with the Council to keep the property tidy. In this respect the owner has been provided with ample opportunity to take the necessary steps in this respect.
Alternatives	The alternative of taking no action would allow the property to become more overgrown and unsightly in appearance and would not address the detrimental impact on the surroundings and visual amenity.
Case Officer	David Stevens
Associated Documents	Enforcement Reference 21/00103/UNTIDY.



**1 Blunden Road, Farnborough**

## **2. Recommendation**

2.1 It is recommended that the report be **NOTED**.

**Tim Mills**

**Head of Economy, Planning and Strategic Housing**