



Planning Committee

2 December 2008

ENFORCEMENT REPORT - 1 – 2008/242/ENF

Unauthorised Advertisement on trailer Weights Lane, Bordesley, Redditch

1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the display of a large advertisement on a trailer situated in an agricultural field at the above location, which is situated within the green belt.
- 1.2 The advertisement is directed at traffic using the busy Birmingham Road (A441), and advertises office space to let. Class 3A of the regulations governing the display of advertisements restricts the size of such advertisements to no more than 2 square metres without the need for express consent.
- 1.3 On 24 June 2008 your planning officer noted the trailer advertisement being displayed without express consent. A warning letter was sent to the land owner on 11 July 2008 seeking its removal or face enforcement action.
- 1.4 On 29 July 2008, a further site visit revealed that the trailer had been removed as requested.
- 1.5 On 5 November 2008, your enforcement officer, whilst passing the site, noted that the trailer and advertisement had once again been placed on the land without any permission. On 7 November 2008, a final warning letter was sent to the land owner warning him to remove the trailer from the field. It also warned that the Council would not tolerate any further breaches of the law. To date, no response has been received.

2. Conclusion

- 2.1 Following this flagrant breach, your enforcement officer researched the history of the site and discovered that in the last eight years, the offender had been formally warned on at least eight separate occasions regarding the displaying of such trailer advertisements in this field, but had generally removed it prior to any action being taken, only to re-instate it later. However, on the 18 June 2003, the offender appeared in Redditch Magistrates Court and pleaded guilty to two charges of illegal display of advertisements and was fined £760 and ordered to pay the Council's costs of £227.45. This had clearly not dissuaded the offender from repeat offences, as can be seen by more recent complaints regarding the matter.

- 2.2 Your planning officers consider that this advertisement would be unlikely to be granted express consent due to its size, appearance, position and location within the green belt. Your enforcement officer considers that the land owner is deliberately abusing the law by removing the trailer and later re-instating it to avoid enforcement action. Any display of an advertisement without consent is an offence open to immediate prosecution and your enforcement officer considers that the Council need to be in a position to prosecute any future breaches of the law by this person irrespective of the outcome of this particular breach. Members should note that the legislation allows offenders to be prosecuted as many times as offences alleged, there is no limit, and therefore the fact that there is a previous conviction does not hinder the ability of the Council to prosecute again.

3. **Recommendation**

The Committee is asked to RESOLVE that

authority be delegated to the Head of Democratic, Legal and Property Services, in consultation with the Acting Head of Planning and Building Control to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, the display of an advertisement without the express consent of the Local Planning Authority. Enforcement action would be by way of the instigation of prosecution proceedings if deemed necessary.