



Planning Committee

Astwood Bank and Feckenham Ward

3 March 2009

INFORMATION ITEM

(Report of the Acting Head of Planning and Building Control)

1. Purpose of Report

To receive an item of information in relation to an appeal against the issuing of an enforcement notice.

Members are asked to note the outcomes of the appeal, determined by the Planning Inspectorate, as detailed in the Appendix attached to this report.

2. Recommendation

The Committee is asked to **RESOLVE** that

the item of information be noted.

3. Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

There are no financial, legal, policy, risk or sustainability / Environmental implications for the Council.

Report

4. Background

In line with previous requests from Members of the Committee, the Information Report can include items of information (if any) on:

- a. reasons for grant of planning permission;
- b. decisions taken under delegated authority;
- c. outcomes of appeals against planning decisions;
- d. outcomes of appeals against enforcement action
- e. notification of appeals received;
- f. notification of prosecutions relating to enforcement of planning regulations.

5. Consultation

There has been no consultation other than with relevant Borough Council Officers.

6. **Other Implications**

There are no perceived impacts on Asset Management, Community Safety, Human Resources or Social Exclusion.

7. **Author of Report**

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail: iain.mackay@redditchbc.gov.uk) for more information

8. **Appendices**

Appendix 1 - Outcome of an Appeal against an Enforcement Notice – 2007/147/ENF

OUTCOME OF AN APPEAL AGAINST AN ENFORCEMENT NOTICE

Reference: **2007/147/ENF**

Details: **Unauthorised use of an agricultural building for Class B8 storage use and distribution of commercial goods not connected with agriculture.**

Priestbridge Barn, Church Road, Bradley Green

(Astwood Bank & Feckenham Ward)

This appeal with a deemed planning application resulted from the decision of the Council to issue an enforcement notice and breach of condition notice with regard to the unauthorised use of an agricultural building in open countryside within the Borough. The building, which was approved as a barn, had not been built in accordance with the details notified to the Council. The notices required the cessation of the unauthorised use and the demolition of the building.

The building, which had been erected under agricultural permitted developments rights, was being used for storage and distribution of goods not connected with agriculture. Officers considered that as built, the building was inappropriate and intrusive in the open countryside, and that the use resulted in inappropriate vehicle movements on the surrounding rural road network.

In their deliberations, the appeal inspector found no over-riding need for such a development in the countryside, and that the vehicular access was unsuitable for the potential number of trips to and from the site, and found that the rural nature of the surrounding road network would also be unsuitable.

The inspector concluded that the use of the site resulted in an unsustainable form of development in a rural countryside location, which in turn could unacceptably prejudice highway safety. The inspector therefore refused to grant planning permission on the deemed planning application, and upheld the enforcement notice. As such, the appeal was **DISMISSED**.

The compliance period to comply with the enforcement notice now expires on 3 May 2009 when a further check will be made to ensure compliance.