



# Planning Committee

3 March 2009

## ENFORCEMENT REPORT - 2 – 2007/215/ENF and 2008/275/ENF

### Non-compliance with requirements of an Enforcement Notice Polesworth Close, Matchborough West, Redditch

(Matchborough Ward)

#### 1. Background / Key Issues

- 1.1 This matter comes before Committee with regard to non-compliance with an enforcement notice authorised by your Committee in December 2007 and issued on 25<sup>th</sup> February 2008.
- 1.2 The Enforcement Notice related to the use of the property for the storage and repair of motor vehicles linked to the occupier's business as a mobile motor mechanic, and required the cessation of all vehicle repairs from the residential property and the removal of vehicles and vehicle parts from the land.
- 1.3 The notice took effect on 7<sup>th</sup> April 2008 and allowed a period of 1 month for compliance. No appeal to the Secretary of State was made with regard to the notice.
- 1.4 On 19<sup>th</sup> September 2008, following a series of visits, the Enforcement Officer concluded that the activity had ceased as the frontage had been tidied and all vehicles removed. He ascertained that the offender had found and occupied alternative commercial premises.
- 1.5 On 28<sup>th</sup> December 2008, following a sudden recurrence of complaints, a warning letter was sent to the offender regarding the need to comply with the enforcement notice, and seeking written confirmation that no further activity would take place in breach of the notice. No response has been received.
- 1.6 On 9<sup>th</sup> January 2009, after a number of complaints, an Enforcement Officer carried out a night visit and noted a recovery truck with a vehicle on the rear parked outside the house, the offender's mobile mechanics van and a number of other vehicles parked on and around the property.
- 1.7 On 9<sup>th</sup> February 2009, a further visit was carried out and it was noted that the vehicle recovery lorry was parked on the frontage of the property whilst the van was parked outside. Other vehicles were seen parked opposite and the offender could be seen in conversation with a person. The frontage was once again very untidy.



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## 2. Conclusion

- 2.1 Officers consider that the Enforcement Notice is now not being complied with in that the occupier of the premises is operating without regard. Failure to comply with an enforcement notice is a criminal offence.
- 2.2 The activities at this site are causing noise nuisance and traffic problems which are unacceptable in a residential area. Enquiries tend to indicate that the offender no longer has access to the commercial premises mentioned earlier. Officers now consider it expedient that legal action needs to be undertaken to secure a swift cessation of this breach of planning control.

## 3. Recommendation

**The Committee is asked to RESOLVE that**

**authority be delegated to the Head of Legal Services in consultation with the Acting Head of Planning and Building Control to take Enforcement action by way of instigating proceedings in the Magistrates Court to secure a cessation of the breach of planning control.**