

**REDDITCH BOROUGH COUNCIL**

**PLANNING  
COMMITTEE**

12<sup>th</sup> February 2014

**ENFORCEMENT REPORT – NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

Responsible Portfolio Holder	Councillor Greg Chance
Responsible Head of Services	Ruth Bamford
The Appendix and Site Plan to this report contain exempt information as defined in Paragraphs 1, 2 and 6 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.	

**ENFORCEMENT CASE DETAILS:**

**ALLEGATION: NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

**LOCATION: LAND AT THE SALTWAY, FECKENHAM**

**WARD: ASTWOOD BANK & FECKENHAM**

The author of this report is Ailith Rutt, DM Manager, who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

(Confidential Site Plan under separate cover)

**Site Description**

The site is an agricultural field where stock is kept. It is accessed from the B road directly through a field gate, and along the road boundary is a ditch and thick hedging. The site is bounded by hedging and fencing on all sides. The site rises away from the road.

Since the summer of 2012, the site has also contained a touring caravan, tents and other similar equipment where the appellant has been residing. These are unauthorised.

**Relevant Site Planning History**

<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
Appeal against refusal of Application for temporary stationing of static caravan for residential purposes	Withdrawn day before hearing	13/1/14
Temporary stationing of static caravan for residential purposes and permanent	Refused (under delegated powers)	15/5/13

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incubation shed for agricultural purposes		
Enforcement notice seeking cessation of residential use of land	Notice issued	22/2/13
Stationing a log cabin for a temporary period of three years and erection of an incubator shed	Refused (under delegated powers)	6/9/12

**Investigation Details**

During the consideration of the first planning application, it became apparent through discussions and site visits that the applicant had taken up residence on the land in temporary accommodation. They were advised that this was unauthorised and should not continue, but informal advice was ignored.

Following the refusal of the first application an enforcement notice was issued seeking the cessation of the land for residential purposes and the removal of the caravan/tent etc that was used for such purposes.

The notice expired without effect, however a further planning application was then submitted, and so any formal action was held in abeyance.

The second application was refused and then taken to appeal, and thus formal action against the enforcement notice was further held in abeyance.

The appeal hearing date was set for 5 November 2013 but then postponed at the last minute due to the appellant's agent being involved in a car accident and unable to attend. The hearing was re-scheduled for 14 January 2014.

On 13 January 2014 the Planning Inspectorate made contact to inform us that the appeal had been withdrawn. Thus, in the absence of any pending decisions, it is now considered appropriate to take forwards the matter of the enforcement notice.

In both cases, the planning applications were made for temporary residential accommodation in association with the agricultural use of the site and in both cases, neither a need to be on the site 24/7 in relation to the agricultural use, nor a business case to demonstrate a likelihood of success over a three year period were substantiated. Therefore the proposal did not meet the policy tests.

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Throughout this period, officers have been in regular contact with several of the neighbouring occupiers regarding the appearance of the site and the inappropriate residential use being carried out. Clearly the use is directly in contravention with the applicable planning policies and affecting the residential amenity of others such that officers now consider it necessary to take more formal action to rectify the breach of the enforcement notice.

**Conclusion**

The situation with regard to this site continues to draw complaints.

Officers consider that prosecution is the most appropriate action in this matter to secure a resolution.

There are no financial, community safety or risk implications in this report.

**Recommendation**

**The Committee is asked to RESOLVE that**

**in relation to a breach of planning control, namely, the failure to comply with the requirements of an Enforcement Notice, authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Head of Planning and Regeneration, to instigate legal proceedings in the Magistrates Court, if necessary.**

**Attachments**

Confidential Appendix – attached  
Confidential Site Plan – under separate cover