



# Planning Committee

Winyates Ward

14 July 2009

## ENFORCEMENT REPORT - 1 – 2009/134/ENF

### Conversion of single family dwelling house in to two separate residential units

#### Blakemere Close, Winyates East

(Winyates Ward)

#### 1. Background / Key Issues

- 1.1 In 1984 permission was granted to extend this semi-detached property. Over time, the extension appears to have become a “granny” annexe to the existing dwelling without any further consent being sought or given.
- 1.2 On 21 July 2005, following an extensive investigation by an Enforcement Officer into the unauthorised conversion of the granny flat into a self contained flat, planning permission was refused for the change of use of the granny flat to a self-contained flat on the grounds of inadequate parking provision and due to the lack of any amenity area for the self-contained flat. Officers also considered the development to be too intensive and cramped.
- 1.3 On 17 July 2006, following an appeal to the Secretary of State, that decision to refuse planning permission was upheld.
- 1.4 On 25 July 2006, a letter was sent by the then Enforcement Officer to the offender seeking re-instatement of the property to a single dwelling. The owner responded by agreeing to carry out the works.
- 1.5 On 1 September 2006, following a call from the offender, the then Enforcement Officer visited the site and confirmed that the property had been returned to a single family dwelling, and that a door had been inserted on the first floor to allow occupiers to access the extended part, although the external door had also been retained.
- 1.6 On 9 June 2009, following a further complaint, the property was visited by the current Enforcement Officer who established that the property was back in use as two separate and distinct residential units, each using its own front entrance, in breach of the refusal of planning permission.

## 2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control given that planning permission has previously been refused and an appeal dismissed. The ownership of the property has not changed therefore the owner would have been well aware that his actions were in breach of the refusal of planning permission and appeal decision.
- 2.2 They also consider that an enforcement notice requiring the re-instatement of the property into a single family dwelling, including the removal of the front door to the extended part of the dwelling would constitute the most appropriate action, and consider that the reasons for issuing the notice would be best based on the reasons for refusal stated in the 2005 decisions. Although under normal circumstances the insertion of a door would not require formal planning permission, the requirements of the notice would effectively remove that right and avoid a repetition of this breach occurring in the future.
- 2.3 Due to the time that has elapsed between the carrying out of the development and its discovery, consideration has to be given to the possibility that the Council may be out of time to take action. There is a time limit on the taking of enforcement action relating to the conversion of a single dwelling into separate houses or flats of 4 years from the commencement of the breach of planning control. Officers consider that given there is evidence that the use had actually ceased in 2006, the Council will be within that time limit. There is a distinct likelihood however that this may well be challenged on appeal.

## 3. Recommendation

**The Committee is asked to RESOLVE that:**

**in relation to a breach of planning control, namely, without planning permission, the carrying out of a conversion of a dwelling into two separate dwellings, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of:**

- a) **the service of an Enforcement Notice alleging the carrying out of such works; and**
- b) **the institution of legal proceedings in the event of non-compliance with such Notice.**