



Planning Committee

Various Wards

15th July 2008

6. ENFORCEMENT OF PLANNING CONTROL – UPDATES

(Report of Acting Director of Environment and Planning)

1. Purpose of Report

To inform and update the Committee on the result of enforcement matters authorised for the period from April 2007 to March 2008, and on enforcement activity in general for that period, as detailed in the Appendices attached to this report.

2. Recommendation

The Committee is asked to RESOLVE to

note the information contained in the report.

3. Financial, Legal, Policy and Risk Implications

Financial

3.1 There are no financial implications in the reports.

Legal

3.2 Legal implications are as detailed in the reports and as set out in the following Acts:-

Town and Country Planning Act 1990.
Planning and Compensation Act 1991.

3.3 In terms of the exempt elements of the report, and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006 refers).

3.4 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.

3.5 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between

the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

Policy

3.6 None identified.

Risk

3.7 None identified.

4. **Other Implications**

Any Community Safety, Human Resources or Social Inclusion implications will be detailed in the attached schedule.

Social Exclusion: Enforcement action is taken equally and fairly in accordance with the Enforcement Concordat, regardless of the status of the person or organisation, or the subject of enforcement action.

5. **Consultation**

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

6. **Author of Report**

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

7. **Appendices**

Appendix 1 - Information Report.

Appendix 2 - Enforcement Report.

Appendix 3 - Enforcement Statistics.

ENFORCEMENT - INFORMATION REPORT

Report of Enforcement Activity
Period from 1st April 2007 to 31st March 2008

(All Wards)

1. Background / Key Issues

- 1.1 From time to time, your Committee is asked to authorise enforcement action with regard to breaches of planning control identified throughout the Borough.
- 1.2 Appendix 2 of this report shows those matters reported to your Committee for authority to enforce, the resulting action and status.
- 1.3 Appendix 3 details general enforcement activity for the period including numbers of cases, notices issued and similar information.

Enforcement Reports 2007-2008					
Month	Address	Issue	Authorised	Status	Date
Apr-07	Nine Days Lane	Erection of Conservatory	Not to take enforcement action	Case closed	01 August 2008
Jun-07	Salford Close	Erection of a fence	Enforcement Notice	Notice issued and appeal won. Fence reduced - case closed	19 June 2008
Jul-07	Merevale Close	Condition of property	Section 215 Notice	One conviction at Court. Second case pending	
	Hewell Road, Batchley	Car Sales	Prosecution	Failure to comply with existing enforcement notice. Ceased	16 July 2008
Sep-07	Evesham Road	Damage to protected tree	Prosecution	prosecution delayed pending assesment of tree	
Dec-07	Polesworth Close	Car repairs	Enforcement notice	Notice issued. Activity currently ceased, but monitoring	
Feb-08	Feckenham Road	Position of house	Not to take enforcement action	Case closed	26 February 2008
Apr-08	Other Road	Storage of cars	Enforcement notice	Notice issued - compliance pending	
	Redstone close	Tree	Prosecution	Attempting negotiation -pending prosecution	
May-08	British Mills/Clive House	Listed building offence	Listed Building Enforcement Notice + prosecution	Action pending	
	Washford Drive	Prosecution	Breach of condition requiring transporter bay	Action pending	

ENFORCEMENT STATISTICS

Period:	01 April 2007	to	31 March 2008
Complaints received	→→		268
Complaints concluded	→→		256
Enforcement notices issued	→→		4
Stop notices served	→→		0
Temporary Stop Notices served	→→		0
Planning Contravention Notices served	→→		19
Breach of Condition Notices served	→→		10
Section 215 Untidy Land Notices issued	→→		0
High Hedges Remediation Notices served	→→		1
Notices complied with	→→		29
Prosecutions undertaken	→→		1
Convictions obtained	→→		0
Enforcement appeals received	→→		1
Enforcement appeals dismissed	→→		2
Enforcement appeals allowed	→→		0