



# Planning Committee

Headless Cross and Oakenshaw Ward

4 November 2008

## ENFORCEMENT REPORT - 1 – 2008/025/ENF

### Erection of extension to side Castleditch Lane, Oakenshaw, Redditch

#### 1. Background / Key Issues

- 1.1 This matter comes before your Committee with regard to the construction of an unauthorised extension to the side of these commercial premises, currently operating as a hot food takeaway.
- 1.2 On the 28 February 2008, your Enforcement Officer noted the unauthorised extension at these premises whilst investigating other matters. The property is a standalone red brick built building with a dual pitched roof situated opposite the local community centre and close to designated public open space and a special wildlife site. The extension was particularly noticeable as it had been constructed with a flat roof using white Upvc cladding material and did not match the adjacent building.
- 1.3 A check of the records revealed that no application had been received for any extension to the property, and on the 1 March 2008 your Enforcement Officer issued a planning contravention notice with a view to identifying the owner or occupier. Separate investigations revealed however that the occupier of the property was in the Far East following a family bereavement.
- 1.4 On the 22 May 2008, I was contacted by a planning agent who advised me that he had been instructed to deal with the matter. Due to difficulties in communicating with his client, he asked for a period of grace in which to submit the planning application, which was agreed at 8 weeks maximum.
- 1.5 On the 17 October 2008, a check of the records revealed that no application had been received, and a site visit by your Enforcement Officer confirmed that the extension was still in situ.

#### 2. Conclusion

- 2.1 The Agent in this matter has been contacted again and a response is awaited. It is not certain however as to whether or not he is still instructed to act for the owner.

- 2.2 The extension as built is not certain to be approved as the materials used do not match the existing brick and tile building. Your Officers also consider that the appearance of the extension not only adversely affects the appearance of the existing building, but is also detrimental to the visual amenity of the surrounding area. Your Officers consider that enforcement action may be needed to secure its removal.

3. **Recommendation**

**The Committee is asked to RESOLVE that**

**authority be delegated to the Head of Legal, Democratic and Property Services in consultation with the Acting Head of Planning and Building Control to take enforcement action, including the instigation of legal proceedings if necessary, in relation to a breach of planning control, namely, without planning permission, the erection of a side extension. Enforcement action would be by way of the serving of an Enforcement Notice and the instigating of prosecution proceedings if necessary in the event of any failure to comply with any requirement of that Notice.**