

AGENDA ITEM 5

PLANNING COMMITTEE

29th OCTOBER 2015

REPORT OF THE HEAD OF REGULATORY SERVICES

ENFORCEMENT REFERENCE 15/00093/BOC- ERECTION OF FENCE, 11 EASTHORPE VIEW, BOTTESFORD

1. PURPOSE OF THE REPORT

- 1.1 To determine whether Enforcement Action should be taken in respect of the fence erected at 11, Easthorpe View, which does not satisfy the requirements of the planning permission.

2. RECOMMENDATION

- 2.1 That Members determine whether Enforcement Action is necessary.**

3. INTRODUCTION AND BACKGROUND

- 3.1 The site has been the subject of enforcement intervention and several applications following the erection of a boundary fence replacing a row of conifers, in 2013.
- 3.2 Planning application 14/00657/FULHH was granted in March 2015 and included a condition requiring "The amendments to the design of the fence shall be implemented in accordance with the drawing "Proposed alteration to existing close board fencing to provide recessed panelling for tree/bush planters" and "The fence hereby permitted shall be stained green with scalloped edging in accordance with the plan submitted and received via email by the Local Planning Authority dated 14th February 2015 and thereafter maintained in perpetuity for the life of the fence"
- 3.3 The fence is now complete but deviates from the permission in that an additional length has been included in front of the garage (approx 6m. long). This is significant because part of the reason for granting permission under 14/00657/FULHH was that this section had been omitted from earlier versions and served to mitigate the impact of the fence running the entire length of no 11's frontage.
- 3.4 The applicant is aware of this departure from the permission but has advised that he proposes to take no further action. It therefore falls to the Council whether to take Enforcement Action to enforce the outstanding works. Preparatory steps, in the form of a s330 Notice establishing ownership interests etc, have been taken and have been complied with by the applicant.
- 3.5 Enforcement is a discretionary power and it does not follow that where a breach of permission occurs, Enforcement Action necessarily follows. Rather, a decision is required based on the 'planning merits' of the case as set out in s172. The issues associated with the fence are considered to be solely its impact on visual amenity and the Committee is invited to make this judgement in the light of the fence, and its impact, in its current condition.

5. CONCLUSION

- 5.1** The fence has now been constructed but does not accord with the detailed requirements of the planning permission. The Committee is invited to determine whether the resultant impact is unacceptably adverse in terms of its impact on visual amenity and therefore should be the subject of Enforcement Action accordingly.

Date: 20th October 2015

Author: Mr J Worley Head of Regulatory Services

Background documents: Planning application file 14/00657/FULHH