

# CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee

DATE: 18/10/12

WARD: Romsey

## **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

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**32 Romsey Road, Cambridge**

**Unauthorised Development**

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### **1 INTRODUCTION**

1.1 This report seeks the authority to close an Enforcement Investigation on the grounds that it is not expedient to pursue the breach of planning control further.

Site: 32 Romsey Road, Cambridge.  
See Appendix A for site plan.

Breach: Unauthorised Development: alteration to the roof of an existing rear extension that exceeds permitted development limitations.

### **2 BACKGROUND (Timeline of Enforcement Investigation)**

2.1 On 19<sup>th</sup> March 2012 City Council Officers received an enquiry that works were being undertaken at the above property, which may require planning permission.

2.2 Customer Service Centre staff were contacted the following day by the builder, checking if the proposed works would require planning permission. Informal advice was given in relation to the drawings supplied that planning permission may not be required.

- 2.3 A site visit was undertaken to assess the works undertaken on site, which found that the height of the roof had been raised by 15cm.
- 2.4 Contact was made with the owner of the property who advised that he had checked the details with a planning officer before undertaking any work and on the basis of the advice given was of the opinion that permission was not required. Upon reading the correspondence, it became clear that there had been a misunderstanding on the owner's behalf and it was confirmed that there was a breach of planning control as a result of the roof being raised.
- 2.5 A retrospective planning application was invited for consideration on 17 April 2012.
- 2.6 No planning application has been submitted for the works to date.
- 2.7 An informal opinion was requested from the City Development Manager in relation to the works that had been carried out. The informal opinion provided was that if a planning application had been made, it would be likely to have been supported by officers.
- 2.8 To date a breach of planning control remains unresolved.
- 2.9 The current Scheme of Delegation does not permit officers to close investigations that have an outstanding breach of planning control. A decision therefore needs to be taken as to whether formal action should be taken forward or if the particular details of the case concerned are such that it should not be pursued.
- 2.10 All parties connected to this investigation have been made aware that this report is being put before members for consideration and of the opportunity to make representations to the Committee.

### **3 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

#### **3.1 National Planning Policy Framework states:**

'Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor

the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

- 3.2 Enforcement is a discretionary power. The Committee should take into account the planning history and the other relevant facts set out in this report. Officers only recommend the service of an Enforcement Notice when all attempts at negotiating a resolution to remedy the breach of planning control have failed.
- 3.3 The breach of planning control concerned relates to part of a previously flat roof being raised by 15cm to create a sloped roof.
- 3.4 The informal opinion from planning officers is that the impact of the development in question is very small and would be acceptable should an application have been made to regularise the situation.
- 3.5 Officers do not consider that it would be expedient to pursue formal action in this instance.

## **4 RECOMMENDATIONS**

- 4.1 It is recommended that the Head of Planning Services be authorised to close the investigation into unauthorised operational development at 32 Romsey Road on the grounds that it is not expedient to pursue the matter further.

## **5 IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None
- (f) **Human Rights** - Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful,

fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

**BACKGROUND PAPERS:**

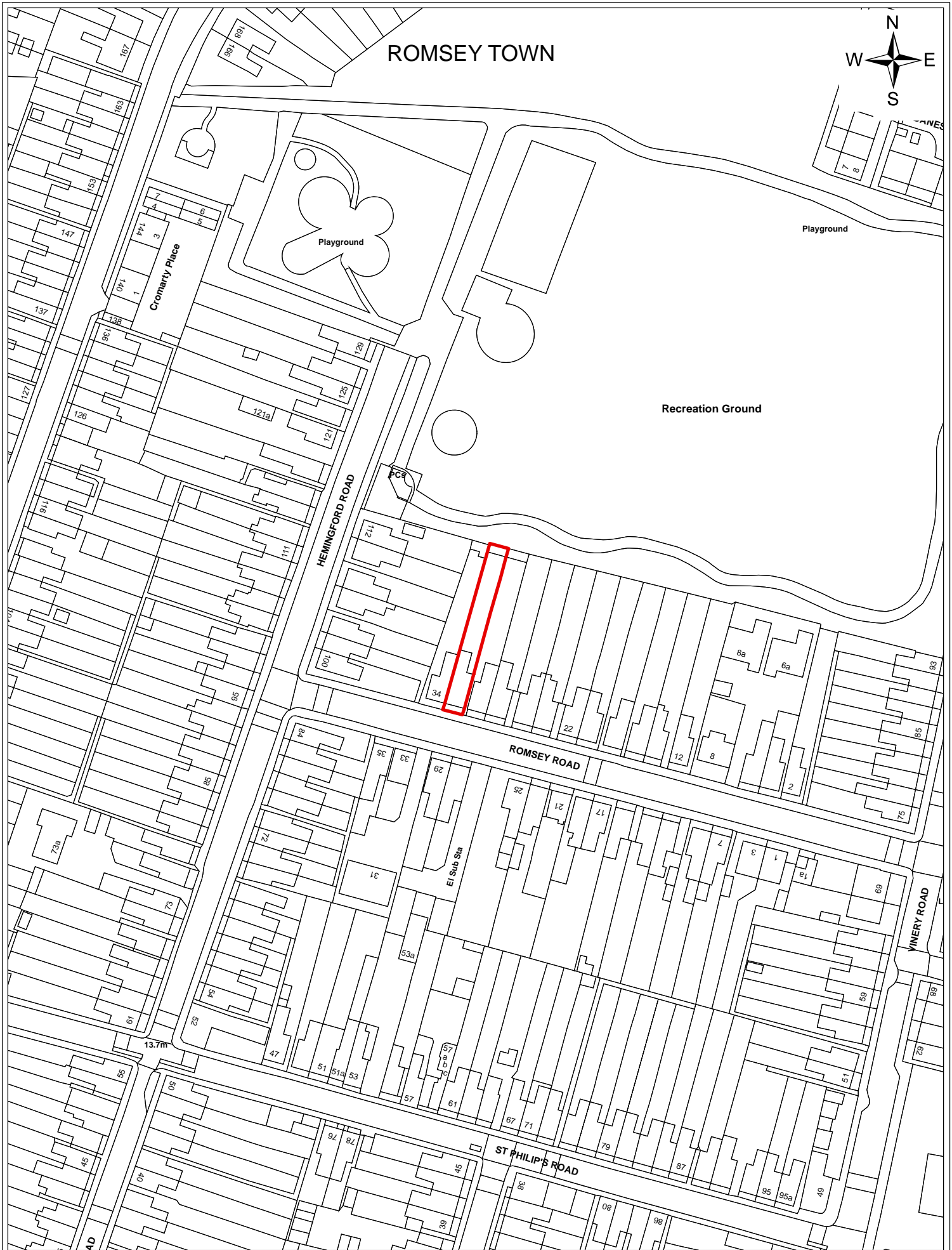
No background papers were used in the preparation of this report:

**APPENDICES**

Appendix A      Site plan

The author and contact officer for queries on the report is Alison Twyford on extension 7163.

Date originated: 03 August 12      Date of last revision: 29 Aug 2012



# 32 Romsey Road



Date:	13 September 2012
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Section/Department:	Information Systems, Environment Dept
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