

REPORT OF: Head of Planning Services

TO: West / Central Area Committee DATE: 28/02/13

WARD: Castle

**PLANNING ENFORCEMENT CONTROL
ENFORCEMENT NOTICE REPORT**

**13 Oxford Road, Cambridge
Unauthorised Development**

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: 13 Oxford Road, Cambridge.
See Appendix A for site plan.

Breach: Unauthorised Development: side fence and plant supports that exceed permitted development limits.

2 BACKGROUND

- 2.1 On 7th December 2011 planning application reference 11/1218/FUL was approved for: 'Erection of a single storey rear garden 'arbour' to comprise garden storage area, amending previous approved permission 09/0879/FUL with a change in design. Proposals also seek retrospective planning permission for erection of the party wall fence with 9 Oxford Road.'
- 2.2 On 2nd November 2012 Officers received an enquiry regarding works that had been undertaken at the property which exceeded permitted development limits and were not in accordance with the approved plans for planning application reference 11/1218/FUL.

- 2.3 A site visit was undertaken to assess the works undertaken on site, officers confirmed that the height of the side fence and additional plant supports exceed the measurements shown on the approved plans for 11/1218/FUL and the permitted development limit of 2 metres. Photographs of the fence, plant supports and alley that is adjacent to the fence can be found in appendix B.
- 2.4 The owner of the property advised officers that he had always intended to place plant supports on the fence and was not aware that planning permission would be required. A letter from the owner of the property can be found in appendix C.
- 2.5 The current Scheme of Delegation does not permit officers to close investigations where there is 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 this case are such that it should not be pursued.
- 2.6 All parties connected to this investigation were advised this report is being put before members for consideration and were made aware that they could 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. Paragraph 6.2 of the Planning Investigation Service’s Enforcement Policy states ‘The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control’ and paragraph 6.3 states that an appropriate course of action where the breach is minor with no significant effects may be that no further action is required.

3.3 The informal opinion from planning officers is that the impact of the development in question is minimal and would be acceptable should an application have been made to regularise the situation. Therefore officers do not consider that it would be expedient to pursue formal action in this instance.

3.4 If members authorise the closing of this investigation, the unauthorised operational development in question would become immune from enforcement action after a period of four years.

4 RECOMMENDATIONS

4.1 It is recommended that the Head of Planning Services be authorised to close the investigation into unauthorised operational development at 13 Oxford 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).

BACKGROUND PAPERS: <http://www.cambridge.gov.uk/public/pdfs/PIS-enforcement-policy.pdf>

APPENDICES

Appendix A Site plan

Appendix B Photographs of unauthorised development

Appendix C letter from owner of 13 Oxford Road

The contact officer for queries on the report is Debs Jeakins on ext 7163.