

REPORT TITLE: ENFORCEMENT APPEAL DECISIONS

PLANNING COMMITTEE

8 DECEMBER 2016

PORTFOLIO HOLDER: COUNCILLOR VICTORIA WESTON, DEPUTY LEADER
AND PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

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WARD(S): ALL

PURPOSE

This report provides a summary of Enforcement appeal received during 1 July to 30 September 2016

RECOMMENDATIONS:

1. That the Report be noted.

IMPLICATIONS:**1 COMMUNITY STRATEGY OUTCOME**

1.1 Analysis of appeal decisions ensure consistency in decision making helping the City Council to deliver its High Quality Environment outcomes.

2 FINANCIAL IMPLICATIONS

2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 None

4 WORKFORCE IMPLICATIONS

4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

6.1 Not application – report for information.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other None</i>		

8 SUPPORTING INFORMATION:

This report provides a summary of Enforcement appeal decisions received during 1.July 2016 to 30 September 2016

During this period 4 appeal decisions have been received, of these:

3 appeals were dismissed – 75%.

1 appeal was allowed therefore the enforcement notice was quashed – 25%

There were no awards of costs against the Council.

The Council made a claim for its costs in 1 case and this was allowed.

9 OTHER OPTIONS CONSIDERED AND REJECTED

9.1 N/A

BACKGROUND DOCUMENTS:-

Relevant planning applications files.

Other Background Documents:-

None

APPENDICES:

Appendix 1– Summary of decisions (Enforcement cases)

Appendix 1

PLANNING APPEALS – SUMMARY OF ENFORCEMENT CASE DECISIONS

A summary of Enforcement appeal decisions received during the period 1 July 2016 to 30 September 2016

Item No: 1			
Date of Inspector's Decision:	23rd September 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	P	Costs:	WCC Costs Allowed
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	15/00059/WKS		
Case Officer:	David Townsend		

Proposal:	Appeal against enforcement notice alleging material change of use to a constructors yard for plant, vehicles and equipment including the siting of shipping containers for storage purposes; for the storage of bricks; for a B1 office use and for residential accommodation
Location:	Boarhunt Garage Ltd Southwick Road North Boarhunt Fareham Hampshire PO17 6JW

Item No: 2			
Date of Inspector's Decision:	21st September 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	14/00176/COU		
Case Officer:	Michaela Mercer		

Proposal:	<p>Appeal against the carrying out of operational development comprising</p> <p>A(i) the erection of a fibreboard structure and the joining of shipping containers to form a building on the western elevation of the existing building</p> <p>A(ii) the joining of three shipping containers to form two separate buildings joined by corrugated plastic/tarpaulin to form a covered area on the northern elevation of the existing building</p> <p>B Without planning permission the material change of use of the Land from use falling within Class B2 (general industrial) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 with ancillary office and use for storage to a mixed use as a café/restaurant on the first floor, for the retail sale of goods and for the display of goods for sale and the use of the part of the Land as children's play area.</p>
Location:	<p>Mollys Den Wessex Gate Moorside Road Winchester Hampshire SO23 7SS</p>

Item No:3			
Date of Inspector's Decision:	23rd September 2016	Inspector's Decision:	Appeal Dismissed
Appeal Procedure (see code below):	I	Costs:	No Application for Costs
<p>W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder</p>			

Case No:	14/00126/USE
Case Officer:	Michaela Mercer

Proposal:	<p>Appeal against an enforcement notice alleging a material change of use to agricultural and residential by the siting and use of a Winnebago and touring caravan for residential purposes</p>
Location:	<p>Mobile Home On Land Adjacent To Woody Lodge Alresford Drove South Wonston Winchester Hampshire SO21 3HW</p>

Item No: 4			
Date of Inspector's Decision:	16th September 2016	Inspector's Decision:	Enforcement Notice Quashed
Appeal Procedure (see code below):	W	Costs:	No Application for Costs
W – Written representation; I – Informal hearing; P – Public Inquiry; H - Householder			
Case No:	15/00199/WKS		
Case Officer:	Michaela Mercer		
Proposal:	Appeal against an enforcement notice alleging the erection of a single storey pergola		
Location:	3 Woodfield Drive Winchester Hampshire SO22 5PY		