



**WYRE FOREST
DISTRICT COUNCIL**

**PLANNING (ENFORCEMENT)
COMMITTEE**

A G E N D A

Date: Thursday 20th January 2005

Time: 6.00 p.m.

**Venue: Earl Baldwin Suite
Duke House, Clensmore Street,
Kidderminster**

PLANNING (ENFORCEMENT) COMMITTEE**Members of Committee:**

Chairman: Councillor S J Williams
Vice-Chairman: Councillor Mrs L Edginton

Councillor Mrs M H Baillie
Councillor P Dyke
Councillor P B Harrison
Councillor Miss M A Mason
Councillor C D Nicholls

Councillor Mrs F M Oborski
Councillor M W Partridge
Councillor Mrs P A Rimell
Councillor Mrs J L Salter

Information for Members of The Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

For further information:-

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Diana Glendenning, Committee Officer, Legal and Democratic Services, Civic Centre, Stourport-on-Severn. Telephone No: (01562) 732763. Email: diana.glendenning@wyreforestdc.gov.uk

A G E N D A

PART I

Open to the Press and Public

1. **APOLOGIES FOR ABSENCE**

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Head of Legal and Democratic Services, together with the name of the Councillor for whom he/she is acting.

3. **DECLARATION OF INTERESTS**

To invite Members to declare any interests in any item on this Agenda (including any declaration in relation to Section 106 of the Local Government Finance Act 1992).

4. **MINUTES**

To confirm as a correct record the Minutes of the meeting of the Committee held on the 18th November 2004. (Pages 1 - 2)

5. **PLANNING ENFORCEMENT MATTERS**

To consider reports about existing enforcement matters. (Pages 3 - 6)

6. **TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASONS OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.**

7. **EXCLUSION OF THE PRESS AND PUBLIC**

To pass the following resolution to exclude the press and public from the meeting during consideration of items containing "Exempt Information":-

RESOLVED that under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

PART II**Not Open to the Press and Public****8. MINUTES**

To confirm as a correct record the Minutes of the meeting of the Committee held on the 18th November 2004. (Pages 7 - 13)

9. PLANNING ENFORCEMENT MATTERS

(a) To consider reports about existing enforcement matters (Pages 14 - 41)

(b) To note a report about matters for information (Pages 42 - 53)

10. TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASONS OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.

PLANNING (ENFORCEMENT) COMMITTEE
COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN
THURSDAY 18TH NOVEMBER 2004

PRESENT

Councillors : S J Williams (Chairman), Mrs L Edginton (Vice-Chairman), Mrs M H Baillie, P Dyke, P B Harrison, Miss M A Mason, C D Nicholls, M W Partridge, Mrs P A Rimell and Mrs J L Salter.

Observers: Councillor J A Shaw

CM.443 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs F M Oborski.

CM.444 APPOINTMENT OF SUBSTITUTE MEMBERS

No substitute members were appointed.

CM.445 DECLARATION OF INTERESTS

Councillors Miss M A Mason, M W Partridge and J A Shaw declared a personal interest in item ENF.170/3348 as they had attended public meetings regarding this issue but came to the meeting with an open mind.

CM.446 MINUTES

The minutes of the meeting held on the 16th September 2004 were confirmed as a correct record and were signed by the Chairman.

CM.447 PLANNING ENFORCEMENT MATTERS

Erection of a building on land accessed from Sandy Lane, Stourport on Severn

Further to minute number CM.237 Of the Committee's 9th September 2004 meeting, Members were reminded of the planning history of the site.

The site had been visited on the 13th November 2004 and an Enforcement Notice had been served. An Appeal against the Notice had been received and this would be dealt with under the written representations procedure.

DECISION : await the outcome of the Appeal.

CM.448 EXCLUSION OF THE PRESS AND PUBLIC

DECISION: Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of

“Exempt Information” as defined in paragraphs 13 and 15 of Part I of Schedule.

CM.449 SUMMARY OF MINUTES

The following proceedings were considered after the press and public had been excluded from the meeting. The Summary of Minutes relating to these items has been recorded below as “Exempt Information” and would be disclosed if the minutes were published in full:-

(i) Minutes

The Exempt Minutes of the meeting held on the 16th September 2004 were approved as a correct record and were signed by the Chairman.

(ii) Planning Enforcement Matters

The Committee considered reports and took decisions relating to a number of new and existing enforcement matters.

(iii) Information Matters

The Committee considered and noted brief particulars of new complaints lodged since the last meeting of the Committee.

The meeting ended at 7 pm.,

EXISTING CASES

ENF.170/3348

Date First Placed on Agenda: **15.1.04**
Relevant Policy: **Employment; Floodplain**
Ward: **Mitton**
N. Grid Ref. **SO 8170**

Alleged Breach of
Planning Control:

Erection of a building
on land accessed from
SANDY LANE
STOURPORT ON SEVERN

1. Location and Description

- 1.1 The land, which is approximately 300 metres square, lies between Sandy Lane and Broach Road. It is accessed from Sandy Lane via a long drive. It is not prominent from Sandy Lane but can be seen clearly from residential caravans in Broach Road.
- 1.2 The land has recently been sold and a building partially constructed upon it. This appears to be in an industrial style built of concrete blocks with a flat roof.

2. Planning History

- 2.1 In 1988 an Enforcement Notice was served in relation to the use of this and adjoining land for a scrap metal business. This Notice was complied with.
- 2.2 In 1997 the use of the land was again investigated. This time for the use as a residential caravan park. This use was regularised through the service of an Enforcement Notice. However, the piece of land which is the subject of this report was sold off separately and, until recently, was part of an industrial unit in Hodfar Road.
- 2.3 WF.357/04 – Two storey building for warehouse and offices – Refused 20.5.04
WF.797/04 – Two storey building for warehouse and offices – Approved 23.9.04

3. Officer Comments

- 3.1 We are advised the proposed use of the land is for the storage of motor parts and a planning application was submitted for a larger building. This was refused on the 20th May 2004. A new application has been submitted and approved.
- 3.2 The current building, it is claimed, is a temporary measure until the planning permission is implemented.

4. Conclusion

- 4.1 An Enforcement Notice has been served and an appeal against this has been received. This has been dealt with under the written representations procedure and dismissed by the Planning Inspector. A copy of the decision is attached. The building should be removed by 10th March 2005. The Head of Legal and Democratic Services has delegated authority to take prosecution action if the Enforcement Notice is not complied with

Continued/...

ENF.170/3348 continued

4.2 This case has been assessed against the Articles and Protocols of the Human Rights Act 1998 and Members will need to consider the rights of third parties under Article 8 (The Right to a Private Family Life)

5. Recommendation

5.1 No further reports be made.

Current Position on 6th January 2005

Planning Application	✓	Enforcement Notice Served	✓
Planning Appeal	✓	Enforcement Notice Compliance Date	10.3.05
Planning Contravention Notice Served	✓	Enforcement Appeal	
Planning Contravention Notice Returned	✓	Prosecution	