

EXISTING CASES

ENF.170/3354

Date First Placed on Agenda: 14.7.04

Relevant Policy: D.3, D.10

Ward: Areley Kings

N. Grid Ref. SO 800 699

Alleged Breach of
Planning Control:

**The erection of a fence which encloses amenity land and the laying of a gravel hardstanding area on land adjacent
34 BOWPATCH ROAD
STOURPORT ON SEVERN**

1. Location and Description

- 1.1 The site lies adjacent to a public footpath which connects the two cul-de-sacs of Callow Close and Wrekin Walk in Areley Kings. It was described as an "open green area" on the plans for the estate which were originally approved in 1971.
- 1.2 Although the land has been maintained by the District Council for many years it is not within Council ownership. The land has been purchased by the occupiers of 34 Bowpatch Road and is now being used to access the footway crossing located in the turning head of Callow Close. It is understood that this is in order to avoid using Bowpatch Road which is unadopted and consequently poorly maintained.
- 1.3 A cotswold stone driveway and turning area has been laid and fencing has been erected around the area. Because the hardstanding is not within the curtilage of the dwelling house planning permission is required. The fencing consists of concrete gravel boards with close-boarded fencing on top bringing the approximate height to 1.8 metres. Part of the fencing is adjacent to a highway and therefore requires planning permission in its own right.
- 1.4 As the fence encloses land which has previously been 'amenity land' this is an indication that the use of the land has changed to land used in association with a dwelling house. Officers take the view that this constitutes a material change of use and is therefore development which requires planning permission.

2. Planning History

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| 2.1 | SU.275/71 | 111 dwellings with garages. | Approved 7 th December 1971 |
| | WF.987/04 | Change of use of land to private residential curtilage, erection of fence and gates and laying of hardstanding in association with creation of new access (Retrospective) | Refused |

3. Officer Comment

- 3.1 The former 'open space' provided considerable amenity value for, not only immediate neighbouring properties, but also a wider area of Areley Kings particularly as the adjacent footpath forms a part of a well-used network of public paths.

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3.2 The matter has become a focus of concern for residents and several letters have been received both in support of, and in opposition to, the development. In addition, an action group (Areley Kings Amenity Protection) has been formed.

3.1 A planning application for a reduced scheme has been refused by the Planning (Development Control) Committee and an Enforcement Notice served. Appeals against the planning refusal and the Enforcement Notice have been dismissed and a copy of the Inspector's report is attached. The Inspector varied the Notice to omit the requirement to provide details of the edging materials for the hardstanding.

4. **Conclusion**

4.1 The case has been considered in the light of the Human Rights Act of 1998 in respect of Article 1 of Protocol 1 (Right to Property) and Article 8 (the Right to a Private Family Life).

4.2 The Enforcement Notice requires that the fence and gravel boards should be removed within three months, i.e. by the 28th December 2005.

4.3 The Appellants have now submitted an application for a Certificate of Lawfulness for a proposed fence of less than one metre high (adjacent to the public footpath) and two metres high (between the dwelling and the amenity land). This application has yet to be decided.

5. **Recommendation**

5.1 Await compliance with the Enforcement Notice.

Current Position on 27th October 2005

Planning Application	✓	Enforcement Notice Served	✓
Planning Appeal	✓	Enforcement Notice Compliance Date	28.12.05
Planning Contravention Notice Served	✓	Enforcement Appeal	✓
Planning Contravention Notice Returned	✓	Prosecution	

EXISTING CASES

ENF.170/3357

Date First Placed on Agenda: **18.11.04**
Relevant Policy: **D.1,D.3,D.5,D.10,GB.1,GB.2**
RB.1,RB.2,RB.3,RB.4,RB.5,RB.7,LB.1
LB.2, LB.4,LB.5,HA.1

Ward: **Blakedown and Chaddesley**
N. Grid Ref. **SO 81176 - 73796**

Alleged Breach of
Planning Control:

**The demolition and
rebuilding of curtilage
buildings and the alteration
of curtilage buildings
at
PARK HALL
BLAKEDOWN**

1. Location and Description

- 1.1 Park Hall is a substantial Grade 11 Listed Building standing within a large area of parkland situated off the main A456 at Blakedown. The site is also within the designated Green Belt. As the buildings which are the subject of this Report fall within the curtilage of the Listed house then they also are covered by the special controls put in place to protect Listed Buildings.
- 1.2 Works have been carried out to four of the curtilage buildings and an investigation appears to indicate that some demolition and rebuilding may have taken place. A new building has also been erected.

2. Planning History

WF.826/01	Vehicular access with metal gates/cattle grid and driveway from Perry Wood Lane.	Approved
WF.227/02	Re-opening of cart track, erection of entrance gate and re-surfacing of track.	Approved
WF.612/02	Demolition of single storey outbuilding and garage, erection of new garage and snooker room, conservatory link between existing squash court and changing room and alterations/extensions to front and rear family entrances (LBC)	Approved
WF.613/02	Demolition of single storey outbuilding and garage, erection of new garage and snooker room, conservatory link between existing squash court and changing room and alterations/extensions to front and rear family entrances.	Approved
WF.904/03	Demolition of outbuilding (part) and garage, revision to entrance canopy roof, garage with playroom over.	Approved
WF.905/03	Demolition of outbuilding (part) and garage, revision to entrance canopy roof, garage with playroom over (LBC)	Approved
WF.46/04	Change of Use to office to squash court	subject to S106
WF.283/04	Change of Use to dwelling	Withdrawn
WF.739/04	Change of Use to dwelling	Approved
WF.1342/04	Change of Use of Activity Barn to Dwelling	Refused
WF.1343/04	Conversion of Activity Barn to dwelling (LBC)	Refused

Continued/...

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- WF.961/05 Partial demolition and reconstruction of outbuildings and retention of replacement buildings (known as Coachmans Cottage, Gardeners Cottage, Keepers Cottage, Dairy Cottage) for residential use with occupancy to be restricted to holidaymakers or employees at Park Hall (retrospective); conversion of Activity/Play Barn to provide granny annex; alterations to existing swimming pool including provision of canopy; alterations to existing machinery/implement store, including creation of first floor storage area; erection of 5 bay car port to replace arched storage building and chicken shed and replacement garage/workshop; relocation of oil storage tank, septic tank, fencing, improvements to access to Perry Foot Lane and upgrading of shared internal driveway and access area Undecided
- WF.963/05 Listed Building Consent (description as above) Undecided

3. Officer Comment

- 3.1 The developments relate to four curtilage buildings all of which appear to have been converted to dwellings. These are known as Dairy Cottage, Gardeners Cottage, Keepers Cottage and Coachmans Cottage. The new building is called Pheasant House.

4. Conclusion

- 4.1 The landowner has engaged the services of a planning consultant who has prepared planning and Listed Building applications where required and will act on his behalf in relation to the appeals.
- 4.2 An Enforcement Notice has been issued which required the removal of 'pheasant building'. An Appeal against the notice has been received. Listed Building and Enforcement Notices have been issued in relation to Dairy Cottage, Gardeners Cottage and Coachmans Cottage and Appeals against the Notices have been received.
- 4.3 Applications for planning permission and Listed Building Consent have been received in relation to Dairy Cottage, Gardeners Cottage, Keepers Cottage, Coachmans Cottage and Play Barn and for other proposed works. The Play Barn is not the subject of any Enforcement action.
- 4.4 The owner's rights under Article 6 of the Human Rights Act (the Right to a Fair Hearing) will be addressed through the Right of Appeal against the Enforcement Notices.

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4.5 In the case of Article 1 of Protocol 1 (Right to Property) and Article 8 (the Right to a Private Family Life) Members will need to consider whether the extent of the interference is proportionate to the public interest.

5. **Recommendation**

5.1 Await the result of the appeals.

Current Position on 27th October 2005

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