

DC.57

**MINUTES OF A MEETING
OF THE DEVELOPMENT CONTROL
COMMITTEE**

**HELD AT THE GUILDHALL, ABINGDON
ON MONDAY, 15TH SEPTEMBER, 2008
AT 6.30PM**

Open to the Public, including the Press

PRESENT:

MEMBERS: Councillors Richard Gibson (Chair), John Woodford (Vice-Chair), Roger Cox, Terry Cox, Mary de Vere, Richard Farrell, Jenny Hannaby, Anthony Hayward, Sue Marchant, Jerry Patterson, Val Shaw and Margaret Turner.

SUBSTITUTE MEMBERS: Councillor Tony de Vere for Councillor Paul Burton, Councillor Bob Johnston for Councillor Terry Quinlan and Councillor John Morgan for Councillor Matthew Barber.

OFFICERS: Geraldine Le Cointe, Carole Nicholl, Sarah Commins and Mike Gilbert.

NUMBER OF MEMBERS OF THE PUBLIC: 15

DC.78 NOTIFICATION OF SUBSTITUTES AND APOLOGIES FOR ABSENCE

The attendance of Substitute Members who had been authorised to attend in accordance with Standing Order 17(1) were recorded as referred to above, with apologies for absence having been received from Councillors Matthew Barber, Paul Burton and Terry Quinlan.

DC.79 MINUTES

The Minutes of the Meeting of the Development Control Committee held on 26 August 2008 were adopted and signed as a correct record.

DC.80 DECLARATIONS OF INTEREST

Interests were declared in respect of report 71/08 – Planning Applications as follows:-

<u>Councillor</u>	<u>Type of Interest</u>	<u>Item</u>	<u>Reason</u>	<u>Minute Ref</u>
Roger Cox	Personal	GFA/16154/2	In so far as he was acquainted with the objector in that he had met him when visiting the site and he had also met the representative of the applicant.	DC.91
Richard Farrell	Personal and Prejudicial	GFA/16154/2	In so far as he was a board member of the Sovereign	DC.91

			Housing Group and he was also a board member of the Vale Housing Association.	
Bob Johnston	Personal	GFA/16154/2	In so far as had had extensive contact with this site in a work capacity.	DC.91
John Morgan	Personal and Prejudicial	GFA/16154/2	In so far as he was a board member of the Sovereign Housing Group.	DC.91
Roger Cox	Personal	GFA/636/31	In so far as he was a member of Faringdon Town Council which had commented on the application. He reported that he had taken no part in the consideration of the application.	DC.88
John Morgan	Personal	WAN/4581/17-A	In so far as he was a member of Wantage Town Council which had commented on the application. He reported that he had taken no part in the consideration of the application.	DC.89
Jenny Hannaby	Personal	WAN/4581/17-A	In so far as she was a member of Wantage Town Council which had commented on the application. She reported that she had been present at the meeting when the Town Council considered the application, but she had taken no part.	DC.89
Margaret Turner	Personal	HAR/20598	In so far as she was acquainted with the applicant's agent in his capacity as a member of the Parish Council.	DC.94

DC.81 URGENT BUSINESS AND CHAIR'S ANNOUNCEMENTS

The Chair introduced himself and welcomed everyone present to the meeting. For the benefit of members of the public he pointed out the Officers who were present to give advice and to minute the proceedings and he explained that only elected Members of the Development Control Committee could vote on the items on the agenda. He commented that local Members could address the Committee but could not vote on any applications unless they were a Member of the Committee. However, he explained that all Members present this evening were Members of the Committee.

In the unlikely event of having to leave the meeting room, the Chair pointed out the emergency exits.

The Chair asked everyone present to ensure that their mobile telephones were switched off during the meeting. He asked everyone to listen to the debate in silence and allow anyone speaking to make their comments without interruption.

The Chair reminded Members to respond to Officers on their availability to attend the Planning Tour of the Vale scheduled to take place on 8 October 2008. He commented that the Tour would be beneficial to all Members of the Council and the intention was to look at "good, bad and ugly" developments. He further commented that it was an opportunity for Members to discuss planning generally with the officers.

The Chair announced that in addition to those speakers on the list, there was a speaker, being the applicant's agent in respect of application HAR/20598.

Finally, the Chair announced that applications EHE/20555 and EHE/20555/1-LB had been withdrawn from the agenda.

DC.82 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER
32

None.

DC.83 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 32

None.

DC.84 STATEMENTS AND PETITIONS FROM THE PUBLIC UNDER STANDING ORDER
33

It was noted that eight members of the public had each given notice that they wished to make a statement at the meeting. However, one member of the public declined to do so.

DC.85 MATERIALS

The Committee received and considered materials in respect of the following: -

- (1) SUT/20330, Asda Warehouse, Sutton Courtney

One Member commented that whilst he was content with the materials he was concerned regarding the signage at the site. The Committee noted that advertisement consent would be required.

By 15 votes to nil it was

RESOLVED

that the following materials be approved: -

<i>Kingspan metal profile cladding</i>	
<i>Walls</i>	<i>Blue (RAL5003), Merlin Grey (BS18B25) and Goosewing Grey (BS10A05)</i>
<i>Door and Windows</i>	<i>Blue (RAL5003 and RAL5010)</i>
<i>Roof</i>	<i>Goosewing Grey (BS10A05)</i>

(2) WAN/2186/14 - St Mary's, Wantage

One of the local Members commented that the use of artificial materials was unacceptable on this sensitive town centre site. She noted the photographs submitted by the applicant commenting that the Wharf site was not in the town centre and that it was important that materials were chosen carefully for this development particularly having regard to the level of social housing proposed. Another local Member agreed with these comments.

The Officers sought a view on further use of the orange tile in place of the red now refused. One of the local Members commented that she was concerned that this might be overpowering with the orange concrete and suggested that a red tile might be acceptable. It was agreed that further materials be sought and presented to a future meeting.

Members considered that panels of sample Flemish Bond materials should be displayed on site, it being noted that these had not been included with previous sample panels.

One Member suggested that it would helpful to view a panel of materials with blue brick headers to compare against the panel of the approved brick.

RESOLVED

(a) *that the use of the following materials be refused: -*

- *Eternit Rivendale artificial blue slates (agreed by 10 votes to 4 with 1 abstention)*
- *Redland Farmhouse red concrete tile (agreed by 10 votes to 5)*

(b) that the use of the following materials be approved: -

Flemish bond, tile hanging, herringbone brickwork panels and render as shown on drawing Nno. O.320.PL.Materials Rev B;

(c) that sample panels of the proposed Flemish bond be provided; and

(d) that further red concrete tile samples be presented to a future meeting of the Committee for consideration.

(3) ABG/20033/3 - Land at 83 and rear gardens of 79 to 81 and 85 to 87 Northcourt Road, Abingdon

By 15 votes to nil it was

RESOLVED

(a) that the use of the following materials be approved: -

<i>Bricks</i>	<i>Broadlands (red) Broads Blend (red)</i>
<i>Tiles</i>	<i>Old English dark red (double roman) Duo Modern Smooth grey Plain tile dark red</i>

(b) that the use of the following be refused: -

The Wheatfields (yellow) brick

DC.86 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

The Committee received and considered a list of forthcoming public inquiries and hearings.

RESOLVED

that the report be received.

PLANNING APPLICATIONS

The Committee received and considered report 71/08 of the Deputy Director (Planning and Community Strategy) detailing planning applications, the decisions of which are recorded below. Applications where members of the public had given notice that they wished to speak were considered first.

DC.87 LBA425(1) PROPOSED ALTERATIONS AND EXTENSION TO EXISTING BUNGALOW AND CONSTRUCTION OF SINGLE GARAGE. THE ORCHARD, HOLBORNE HILL, LETCOMBE BASSETT, WANTAGE, OXON OX12 9LU

The Officers referred to the variety of house styles and sizes in the vicinity commenting that they believed that the proposal was acceptable. Also, it was noted that the ridge height was to be increased by less than 1 ½ metres which Officers felt was acceptable and that the blocking in of a side window would help alleviate existing overlooking.

Reference was made to the relationship with neighbouring properties which Officers considered acceptable. The distance of the proposal with the neighbours was highlighted and a discrepancy in the report at paragraph 5.9 was explained in that the distance was just over 30 metres and not 60 metres as referred to. It was reported that this had caused concern to the Letcombe Regis Parish Meeting which had sought a deferral of consideration of the application. Correspondence had been received Charles Rowe on behalf of Letcombe Bassett Parish Meeting on this issue which was read out in full at the meeting as follows: -

Mr Rowe had commented that the Letcombe Bassett Parish Meeting had become aware of a serious and material error in the report concerning this development which would have a very substantial impact on the whole western part of the village. The Parish Meeting had therefore requested a deferment of the Committee's consideration of this application until the source of the error was determined and a re-evaluation of the application was carried out based on the correct information. Mr Rowe had reported that paragraph 5.9 of the report stated that the properties on the other side of the road had also raised concerns about overlooking, but at a distance of some 60metres, there was not considered to be any harmful impact. As such, it was considered that the proposal did not harm the amenities of neighbouring properties.

Mr Rowe had stated that the distance of 60 metres was wrong and that the correct distance was 30 metres being half of the distance stated in the report. The Parish Meeting had considered that the whole evaluation of the impact of this development on the properties on the other side of the road had therefore been based on a false premise. Whilst realising that 30 metres might be slightly greater than the standard threshold for overlooking, considerations of amenities, appearance, layout and other matters would be different for houses 60 metres away than for houses 30 metres away. Therefore, the Parish Meeting did not have confidence in an evaluation which had such a serious error at its heart and it was considered that it would be a poor reflection on local democracy if the present evaluation was allowed to stand. Mr Rowe had commented that the Parish Meeting had hoped that common sense would prevail and that another evaluation would be requested based on the correct information. He explained that the Parish Meeting would reserve the right to consider a legal challenge to any Committee decision based on the present evaluation.

The Officer clarified that in respect of these comments it was her view that the reference to 60 metres was a typographical error and not one which she considered should lead to deferral of the application. She asked Members to note the observations and findings in the report and to have regard to the plan which clearly had a scale on it showing a distance of 25metres. She commented that it was clear from the plan that the distance was not 60 metres. Furthermore, she noted that the case officer had visited the site (as evidence by the photographs shown at the meeting) and that any judgement of the application would be made on the basis of a

site visit and not just plans. She was also aware that some Members would have visited the site before the meeting. She commented that she considered that the Committee should determine the application.

Charles Rowe speaking on behalf of the Parish Council made a statement objecting to the application raising concerns relating to matters already covered in the report. He commented that there had been a meeting in the village specifically to discuss this proposal and all residents of houses in the west side of village had been present and had unanimously agreed to object to the application. Concerns were raised regarding the need to preserve or enhance the character and appearance of the area; the huge footprint being different to the character of the surrounding houses; the proposal being two storey; overlooking; adverse visual appearance which would change the character of the village; size; the proposal being clearly visible; lack of reference in the report to the existing design of the property which was unacceptable and yet the application was seeking to preserve the wood and brick feature and use of materials.

One Member commented that he had considered the proposal having regard to the proximity of the Listed Building. However, he commented that when he had visited the site he had considered that the view of the new building would be no worse than the existing. He noted that the proposal was higher than the Listed Building and would be seen but he did not think the position was worsened. As such he did not believe that there were material reasons to refuse the application.

Another Member commented that he considered that the existing dwelling was not a distinguished building and that on balance the proposal would be an improvement. He explained that he had been concerned regarding the impact of the eastern elevation, but he noted that the dormer window would be to a bathroom and would be obscure glazing. He considered that this would improve the situation and that there were no grounds to refuse the application.

One Member commented that this was a missed opportunity to improve the area and that he did not support the proposal. However, he noted that each application needed to be considered on its merits as presented and that he could see no reasons to refuse the application.

Another Member supported the proposal noting the diversity of design in the area.

The Officers commented that condition 2 in the report could be amended to ask the applicant to submit materials so as to ensure that they matched the existing dwelling.

The Chairman referred to the report stating he believed that notwithstanding the discrepancy in the report it was clear that the distance of the proposal to neighbouring properties was 30 metres. He highlighted the request for deferral of the application by the Parish Council but he did not consider this was justified and it was not supported by the Committee.

By 15 votes to nil it was

RESOLVED

that application LBA/425/1 be approved subject to the conditions set out in the report with condition 2 being amended to require that the applicant should make sure materials match the existing materials and a further condition to require that the existing bathroom window be obscure glazed and that the end window be removed.

DC.88 GFA/636/31 ERECTION OF 5 DWELLINGS COMPRISING A DETACHED HOUSE AND FOUR APARTMENTS WITH ASSOCIATED GARAGES AND PARKING. LAND OFF BERNERS WAY, FARINGDON

Councillor Roger Cox had declared a personal interest in this application.

It was noted that the Town Council sought a financial contribution of £50,000 towards sports and recreation facilities in Liddiards Park. The Officers commented that any contribution needed to be relevant and in scale to the proposed development.

One of the local Members stated that the land formed part of the original scheme. He commented that one bedroom flats were needed as starter homes. He explained that the nearest dwelling at 22 Berners Way had a blank wall apart from a frosted glass landing window. He commented that car parking would be an extension of the existing area between the existing properties and the development. There were open spaces alongside and to the front of the site and on the opposite side of the road. As such he did not consider that the proposal would be out of keeping. He commented that he agreed with the Officers that the financial contribution proposal did not meet the test for contributions. He commented that there were flats at Cromwell Close and Jespers Hill on the route in to Spinage Close and he supported the application.

By 15 votes to nil it was

RESOLVED

that the Deputy Director (Planning and Community Strategy), in consultation with the Chair and/or Vice-Chair of the Development Control Committee be delegated authority to approve application GFA/636/31 subject to the submission of a Unilateral Undertaking providing £2,760 towards public transport facilities and subject to conditions relating to materials, drainage, slab levels, boundary treatment, landscaping, parking and access details.

DC.89 WAN/4581/17-A – FOCUS DIY ERECT 5 FASCIA SIGNS TO BUILDING. (WORKS ALREADY UNDERTAKEN). UNIT 14, LIMBOROUGH ROAD, WANTAGE, OX12 9AJ

Councillors Jenny Hannaby and John Morgan had each declared a personal interest in this application.

Two of the local Members spoke in support of the application noting that the signs were already erected and were not visually harmful.

On consideration of this application one Member referred to the siting of banners and asked the Officers to be vigilant in taking action to prevent them as banners could be unsightly and cumulatively visually harmful.

By 15 votes to nil, it was

RESOLVED

that application WAN/4581/17A be approved subject to the conditions set out in the report.

DC.90 SUT6828(5) REMOVE EXISTING PORCH ROOF, ADD NEW SINGLE STOREY EXTENSION TO FORM NEW HALLWAY, 2 BEDROOMS AND EN-SUITES AND UTILITY ROOM. REPLACE EXISTING FRONT DOOR WITH NEW GLAZED SCREEN TO DINING ROOM. NEW DETACHED DOUBLE GARAGE. THE OLD BOATHOUSE, CHURCH STREET, SUTTON COURTENAY, OX14 4NJ.

It was noted that the Environment Agency had raised no objection to the previously refused application.

Esther Wakely, the applicant made a statement in support of the application commenting that the building had been constructed only 20 to 25 years ago and was not as old as it appeared; it had been built as a boat house; the proposal would provide additional living accommodation for her family; the building had been converted and its appearance had changed; it was intended that there would be cladding to replace that previously removed; the distances from neighbouring properties was sufficient; there would be no overlooking; the proposal would not be out of keeping or visually harmful, it being noted that there were not many boats down this part of the river.

In response to a question raised the Officers reported that there was only a requirement to consult the Environment Agency on new dwelling in this zone and that there was no requirement for formal consultation on extensions. It was noted that the site was in a Flood Risk Zone 3 which was high area.

Members supported the proposal noting that the property was well screened and that some of the original features would be replaced.

By 15 votes to nil it was

RESOLVED

that application SUT/6828/5 be approved subject to the conditions set out in the report.

DC.91 GFA16154(2) VALE HOUSING ASSOCIATION ERECTION OF 11 AFFORDABLE HOUSES/FLATS. FERNGROVE, PORTWAY FARINGDON SN7 7DX

Councillors Richard Farrell and John Morgan had each declared a personal and prejudicial interest in this application and in accordance with Standing Order 34 they withdrew from the meeting room during its consideration.

Councillors Roger Cox and Bob Johnston had each declared a personal in this application.

The Committee noted that the rear elevation had been amended showing a reduced number of windows due to the impact on the amenity of properties in Bromsgrove. There was now a single window and a small window on the end wall with a main window around the corner.

It was highlighted that the County Engineer had no objection to the proposal and was satisfied with the access and parking arrangements. It was reported that the applicants had been in discussion with the County Council regarding a financial contribution. The total amount sought by the County Council was £28,405.50 towards local schools and public transport.

The Officers referred to distances commenting that the reduction in window openings addressed the relationship of the proposal to the gardens in Bromsgrove being 20 metres. It was commented that Officers considered that the relationship of the proposal to the rear of Portway was acceptable. It was noted that some concern had been raised regarding the rear garden pedestrian access. However, Officers felt this was just a private domestic access and the proposal could not be refused on this basis.

Officers explained that the Committee was recommended to delegate authority to approve the application to the Deputy Director subject to the completion of a Section 106 agreement to secure the financial contributions and in the absence of this within 13 weeks then authority to refuse the application.

John Payne made a statement objecting to the application, raising concerns relating to matters already covered in the report. Whilst agreeing that the site should be used for housing, he particularly raised concerns regarding the following: -

- overdevelopment;
- the orientation of the housing blocks and car park not relating satisfactorily to the site thus having a detrimental effect on future residents, existing neighbours and the local community;
- orientation generally in that with the block of 5 two storey houses at rights angles to the line of the existing 8 three storey houses, problems would be created, although if sited in line with the existing frontages overlooking and traffic dangers at the site entrance and neighbours' driveways would be overcome and better accommodation would be given to the new occupants;
- overlooking and overbearing with concern as to whether it was acceptable to propose replacing a two storey elderly persons block of flats with a three storey block of family flats, two metres away from a neighbours' boundary;
- harmful impact from the three storey element in that the setting back of the 3 storey block by 1 metre made no difference;
- the lack of consideration by the Officers of the proposal from the neighbours' perspectives;
- pedestrian safety in that the front doors of the block of 5 houses would lead straight into the traffic lane of all vehicles going into and out of the car park;
- traffic movements and traffic safety in that there was an established right of access drive to the rear of 11 and 13 Bromsgrove with vehicles reversing out to Portway. Any openings leading onto that driveway from adjacent properties

- would be dangerous and the developer and this Council could be liable for any accident;
- access to the 3 storey block by disabled persons;
 - design; and
 - disagreement with the comments on the Consultant Architects Panel.

Colin Keegan the applicant's agent made a statement in support of the application commenting: -

- there would be no loss of privacy as the distances between neighbouring properties exceeded minimum standards;
- there would be no loss of light as the nearest property would now have a building further away than the existing;
- there would be no adverse impact from lighting as this would be ordinary domestic lighting, not flood lighting;
- there would be no safety hazard to vehicles as there would not be any vehicle exits from the terrace of 5 units; which was owned by the Vale Housing Association;
- boundary treatment was suitable to the area;
- 11 dwellings would not create significantly more traffic in the area
- drainage was being investigated;
- the design was acceptable; and
- the proposal was for affordable housing.

One of the local Members commented that he considered that this proposal had taken account of the previous objections and attempted to address them. He reported that the nature of the ground was important when considering the design, as it sloped away from the Bromsgrove properties and was at the bottom of their gardens, some distance away. Moreover, windows had been reduced in size and were 12 metres from No 20. He explained that he had looked at the properties with occupants of 9 Bromsgrove at the previous submission. Whilst acknowledging the constructive comments of the objector who was looking at the proposal from a fresh point of view he noted the improvements made with the current application. He noted that the disabled parking and access issue should be revisited in detail. Furthermore, he noted that the comments of the Consultant Architect and the Architects Panel which were supportive of the design. He commented that there would be ample parking for 22 vehicles and the boundary treatments appeared sufficient. The new build would be in the similar relation as existing buildings to the neighbours, albeit the highest would be at the Hart Avenue end where there was a raised roadway and the 2 storey houses would be nearest the Bromsgrove properties. The local Member considered that the application was acceptable.

In response to a comment made regarding this authority seeking a financial contribution the Officers reported that planning guidance was now in place to obtain this but as yet an Officer to process such powers had yet to be appointed. It was explained that in any event the proposal was not of a scale which would warrant the seeking of a financial contribution.

One Member commented that any contribution should be equitable to the scale of development proposed and that the cost of obtaining a contribution should be less than the financial contribution secured.

The Officers clarified that once adequate resources were in place Officers would be seeking financial contributions on a per dwelling basis.

One Member commented that the development had regard to the specifics of the site but considered that further consideration should be given to the disabled parking and the proximity of the parking area/access to the houses. The Officers responded that it was not unusual to have a shared vehicle and pedestrian surface in residential areas.

By 13 votes to nil (with 2 of the voting Members not being present) it was

RESOLVED

- (a) *that the Deputy Director (Planning and Community Strategy) in consultation with the Chair and Vice-Chair of the Development Control Committee and the local Members be delegated authority to approve application GFA/16154/2 subject to: -*
- (1) *the completion of the S106 Agreement to secure the required contributions towards local services and facilities; and*
 - (2) *conditions relating to materials, drainage, slab levels, boundary treatment, landscaping, parking and access details and external lighting.*
- (b) *that in the absence of the completed Section 106 Agreement by the 13 week deadline the Deputy Director (Planning and Community Strategy) in consultation with the Chair and Vice-Chair of the Development Control Committee and the local Members be delegated authority to refuse application GFA/16154/2.*

DC.92 EHE19314(2) ERECTION OF 2 STOREY REAR EXTENSION. PROVISION OF VEHICULAR ACCESS AND ASSOCIATED PARKING. THE COTTAGE, CHAPEL SQUARE, EAST HENDRED. OX12 8JN

Mr C Pappenheim made a statement on behalf of the Parish Council objecting to the application, raising concerns relating to matters already covered in the report. He particularly raised concerns regarding the development being in the Conservation Area and in an Area of Outstanding Natural Beauty; the proximity of two Grade II listed buildings; the impact on Chapel House, a listed building which was not referred to in the Officer's comments or on the application; adverse impact; the extension being due south and two storeys high; overshadowing; environmental concerns; proximity to Chapel House which was not shown on the plans; the rear corners of Chapel House and the proposal being only 2 feet away from each other; adverse impact on the character of the area; the hard-standing spoiling the setting of the cottage and green space; car parking; vehicle movements and manoeuvring; the adverse impact of the large parking area; inadequate access; and pedestrian and highway safety. He commented that the danger could be mitigated by restricting the number of car parking

spaces to tow. He stated that the parking area had been created recently and he noted that in the report it was stated that it was substandard.

Mr Logie had been due to make a statement objecting to the application but he declined to do so.

Mr C D Farrar-Hockley made a statement objecting to the application. Speaking on behalf of residents he raised concerns regarding the extensive consultation undertaken across the village which had led to a village plan which included the maintenance of the village anglo saxon ring and that not mentioned of this was included in the report; retention of the green space; adverse impact of the Conservation Area; the car parking space being disproportionate in size; the need to ask the County Engineer to reconsider his comments; pedestrian safety it being noted that this was a single track road; the report containing factual errors and lack of information; proximity; overshadowing; no reference in the report to Chapel House and timing of the application being unfortunate.

One Member commented that he agreed with the comments made by the two speakers. He explained that he had visited the site and that the proposal would have an adverse impact on Chapel House it being considered that this enormous extension would severely adversely impact on the amenity of Chapel House by way of size, over dominance, over shadowing and loss of light. He commented that the extension to the south of Chapel House would encapsulate the entire back ground of Chapel House. Furthermore, he considered that the car parking did not preserve or enhance the Conservation Area.

Another Member commented that he had specifically taken an interest in this application at the request of one of the local Members who was not on the Development Control Committee. He expressed concern regarding the adverse impact of the proposal on the Conservation Area and agreed that the car parking would not enhance the area. He commented that the access could be used for further access into the site and that he had concerns regarding use of a sub-standard access in this way.

Other Members agreed that the proposal would have an adverse impact on Chapel House and also that the access was dangerous, although it was noted that the County Engineer had not recommended refusal. However, it was noted that the County Engineer had described the access as substandard and it was considered that a further comment on this should be sought to clarify this. The Officers undertook to seek clarification from the County Engineer.

One Member commented on further uses of the site, but the Officers clarified that the potential future intentions of the applicant were not material considerations.

By 15 votes to nil, it was

RESOLVED

that application EHE 19314/2 be refused with the reasons for refusal to be formally endorsed at a future meeting of the Committee, such reasons to include the adverse impact of the proposal on the Conservation Area and on Chapel House.

DC.93 EHE/20555 & EHE/20555/1-LB PROPOSED INTERNAL AND EXTERNAL ALTERATIONS INCLUDING REPLACEMENT OF TIMBER BOARDING AND NEW ROOFLIGHT. CONVERSION OF EXISTING ATTACHED STUDIO AND ERECTION OF NEW SHED. SET BARN, ORCHARD LANE, EAST HENDRED OX12 8JW

As referred to elsewhere in these minutes it was noted that these applications were withdrawn from the agenda.

DC.94 HAR20598 ERECTION OF A NEW DWELLING. LAND ADJACENT TO HOLLOWAY THATCH, THE HOLLOWAY, HARWELL

Councillor Margaret Turner had declared a personal interest in this application.

The Officers reported receipt of comments from Councillor Reg Waite on behalf of Harwell residents, which was read out in full at the meeting. Councillor Waite had made the following comments: -

- He had a personal interest in so far as he was acquainted with Mr Stewart Lilly who was his neighbour but the interest was not prejudicial.
- He represented many residents who wished this application to be approved without any hesitation whatsoever.
- Harwell welcomed additional housing in this historical village and it was very rare when the Parish Council or residents opposed any application.
- Indeed as observed from paragraph 4.1 of the report, Harwell Parish Council did not object to this application, neither did the County Engineer or the Principal Drainage Engineer.
- Although three letters of objection had been submitted these were considered to be rather weak.
- Many residents of Harwell found the recommendation of this application difficult to believe bearing in mind that Planning Application no HAR/19966/1 relating to the construction of two detached properties off Burr Street had been approved despite the many objections.
- He referred to the planning policies and the comments in paragraph 3.1 of the report commenting that the local distinctiveness referred to had been ignored in the Burr Street application and it was difficult to understand its relevance in this application.
- With reference to paragraph 3.2 of the report, it was considered that this application would not harm the amenities of neighbouring properties and the wider environment, but the Burr Street development certainly did according to many residents.
- With reference to paragraph 3.3 of the report it was questioned whether Policy H11 applied in this application. Only one property would be constructed and it could not be seen how this dwelling would materially harm the form, structure or character of the settlement.

- Similarly Policy H13 was questioned too, because this proposed new dwelling would not be outside of the built up area of the village, but incorporated within it.
- Paragraph 3.4 of the report was comprehensively difficult to understand and must give all Members present cause for thought.
- Local residents and Members must be asking where were the vantage points.
- In the circumstances it was questionable whether Policy NE6 of the adopted Local Plan was appropriate here until this and other matters were clarified.
- The residents of Harwell strongly recommended that Members re-examined application HAR 19966/1 Burr Street development; application HAR/14234/5 property developed off Reading Road; and the granting of application for development in Froud's Yard, again off Reading Road. All three cases related to land on the edge of the village and residents failed to see any sound and professional uniformity applied.
- In all the circumstances it was recommended that a site visit be arranged for Members before any decision was reached on this application and that this application be deferred until this and other obscure decisions and situations relating to the village of Harwell were clearly established beyond any doubt.

The Officers commented that the application should be considered on its merits. The Officers highlighted that a previous application on this site had been dismissed on appeal and it was noted that the inspector's decision had stated that the proposal would have resulted in an extension of Holloway Lane. In the Officers' view there were not material considerations which changed this.

Mr S Lilly, the applicant's agent made a statement in support of the application. He commented that he had a personal interest in so far as he was the Vice-Chair of Harwell Parish Council but explained that he had taken no part in consideration of the application at any meeting of the Parish Council. He reported that he had lived in the village for 22 years and that the important question was about this site being in or out of the village. He explained that the road had been made up to County standards in 1999. It was now a fully made up tarmac surface and that this was different to the position when the refused application had been considered. Furthermore a fence had been erected. He reported that the land had been damaged by walkers and users of the lane. He explained that the proposed development resembled a barn and that the applicant was prepared to move the house slightly within the fence line to reorientate it and take site lines in. Furthermore, levels could be addressed within site. He explained that the development would provide the natural rounding off of the village and the proposal had local support.

One Member noted that the inspectors dismissal was some years ago and stated that should the Committee be minded to refuse the application now, it should be confident of the reasons and that circumstances had not changed.

One Member commented that planning consideration had nothing to do with popularity and that it was clear that the proposal was contrary to planning policy. Furthermore, the Committee also had the benefits of an inspector's decision on this site to dismiss an appeal.

Another Member commented that the inspector had concluded on one important issue and that was that this site was in an area of outstanding natural beauty outside the village boundary and this had not changed. It was considered that to approve the application would be contrary to policy and would go against an inspector's decision. It was noted that the access track had changed but that was not relevant. It was emphasised that the natural rounding off argument had already been considered in relation to this site.

By 12 votes to nil with 3 abstentions it was

RESOLVED

that application HAR/20598 be refused for the reason set out in the report.

DC.95 ENFORCEMENT PROGRAMME

The Committee received and considered report 72/08 of the Deputy Director (Planning and Community Strategy) which related to a proposed new Planning Enforcement Policy. The Policy was presented to the Committee for consideration prior to its submission to Council for adoption.

Councillor Terry Cox commented that it was essential that there were sufficient resources in the Planning and Legal Teams to ensure this policy was implemented and he asked that this comment be so recorded in the minutes.

RECOMMENDED (nem com)

that the Enforcement Policy attached as an Appendix to these Minutes be approved.

Exempt Information Under Section 100A(4) of the Local Government Act 1972

None.

The meeting rose at 9.16 pm



ENFORCEMENT POLICY

Date Policy updated - October 2008
Date due for review - October 2012
Document Produced by Development Control Team

Introduction

Planning Enforcement is a discretionary power local authorities have to remedy breaches of planning control. Although it is discretionary, it is a vital part of the planning service – without it, much of the remainder of the service would be rendered ineffective and public confidence in the planning process would be undermined. Enforcement action is usually taken as a last resort and, wherever possible, the Council is willing to discuss alternative solutions to resolve a breach of planning control, provided the harm arising from the breach is properly addressed or mitigated.

A breach of planning control is where development or works have been carried out without the necessary planning permission/consent or not in accordance with the details of a planning permission/consent. Such development/works include:

- Unauthorised building or engineering works
- Unauthorised change of use of land or buildings
- Unauthorised works to a listed building
- Non-compliance with conditions imposed on a planning permission, listed building or other consent
- Unauthorised display of advertisements
- Unauthorised works to protected trees

Although carrying out unauthorised works to a listed building, the unauthorised display of advertisements and unauthorised works to protected trees are criminal offences, most breaches of planning control are not, in themselves, a criminal offence. However, failure to comply with the requirements of a valid Enforcement Notice is a criminal offence. It is important, therefore, to understand the circumstances under which the Council decides when to elevate a breach of planning control to a potential criminal offence through the service of an Enforcement Notice – i.e. such decisions need to be well-founded and transparent.

Enforcement action is taken against unauthorised development/works when it is considered expedient to do so having regard to the development plan (i.e. the adopted Vale of White Horse Local Plan and the adopted Oxfordshire Structure Plan) and any other material planning considerations. Such decisions are judgemental and the test of expediency relates to the need to address the questions Where is the harm? Where is the need? Where is the benefit? Decisions on these matters need to be supported by a clear policy setting out the reasons and priorities for the Council investigating cases and taking action. That is the purpose of this Enforcement Policy.

The questions which need to be asked before a decision to take enforcement action can be made are:

Has “development” taken place? Is there a breach of planning control? Is the breach causing harm? Is enforcement action expedient?

Helpful guidance on the operation of the planning enforcement process is provided in the Royal Town Planning Institute’s Planning Advice Note 6, “Enforcement of Planning Control,” which can

be found at <http://www.rtpi.org.uk/download/355/PAN-06-Enforcement-of-Planning-control.pdf>. This confirms that the objectives of the planning enforcement process are:

1. to remedy undesirable effects of unauthorised development
2. to bring unauthorised activity under control to ensure that the credibility of the planning system is not undermined

Government guidance is provided in PPG 18, “Enforcing Planning Control”, Circular 10/97, “Enforcing Planning Control: Legislative Provisions and Procedural Requirements”, and the accompanying guide, “Enforcing Planning Control: Good Practice Guide for Local Planning Authorities.” A helpful table of “Do’s and Don’ts” included in the Good Practice Guide is attached as **Appendix 1** to this Policy.

PPG 18 makes it clear that enforcement action is a discretionary power of local authorities which should only be used when it is considered “expedient” to do so (i.e. in accordance with Section 172(1) of the Town & Country Planning Act 1990). Enforcement action should not be taken simply to remedy the absence of a valid planning permission if it is considered that “there is no significant planning objection to the breach of control.” A retrospective planning application should be invited in such circumstances to see if the unauthorised development can be regularised. In addition, unless it is urgently needed, “formal enforcement action should not come as a “bolt from the blue” to a small business or self-employed person.” Discussions need to be held in such circumstances to see if the harm to local amenity arising from the use can be minimised or, if necessary, to assist the relocation of the business to another site.

Under the provisions of the Human Rights Act 1998, it is also important to take into account the human rights of the landowner/developer and any neighbouring residents/occupiers when deciding whether to take enforcement action.

Reference in this Policy to “enforcement action” includes the Council serving or carrying out any of the following:

- Planning Enforcement Notice (S172 Town & Country Planning Act 1990)
- Listed Building Enforcement Notice (S38 Planning (Listed Buildings & Conservation Areas) Act 1990)
- Stop Notice (S183 Town & Country Planning Act 1990)
- Temporary Stop Notice (S171E Town & Country Planning Act 1990)
- Breach of Condition Notice (S187A Town & Country Planning Act 1990)
- Planning Contravention Notice (S171C Town & Country Planning Act 1990)
- Repairs Notice (S48 Planning (Listed Buildings & Conservation Areas) Act 1990)
- Emergency Repairs Notice (S54 Planning (Listed Buildings & Conservation Areas) Act 1990)
- Proper Maintenance of Land Notice (S215 Town & Country Planning Act 1990)
- Discontinuance Notice (Regulation 8(1) Town & Country Planning (Control of Advertisements) (England) Regulations 2007)
- Fixed Penalty Notice (S43 Clean Neighbourhoods & Environment Act 2005)
- High Hedge Remedial Notice (Part 8 Anti-Social Behaviour Act 2003)
- Requisition for Information Notice (S330 Town & Country Planning Act 1990; S16 Local Government (Miscellaneous Provisions) Act 1976)
- Court Injunction (S187B Town & Country Planning Act 1990)

- Prosecution (S179 & S210 Town & Country Planning Act 1990; S9, S43 & S59 Planning (Listed Buildings & Conservation Areas) Act 1990; Regulation 30(1) Town & Country Planning (Control of Advertisements) (England) Regulations 2007)
- Direct Action (S178 & S225 Town & Country Planning Act 1990; S54 Planning (Listed Buildings & Conservation Areas) Act 1990; S132(2) Highways Act 1980)

Policies

1. All alleged breaches of planning control will be investigated, and the degree of harm will be assessed by the Enforcement Officer in consultation with the relevant Area Planning Officer (APO) or the Section Head (Environmental Planning & Conservation). About 400 such complaints are received each year, and the action taken against any alleged breach will depend on an assessment of relevant development plan policies and the degree of harm identified to any of the following:
 - residential amenity
 - visual amenity
 - highway safety
 - the character, appearance and setting of listed buildings, conservation areas and known sites of archaeological importance
 - the character and appearance of the rural environment
 - the Oxford Green Belt
 - the flood plain of any main watercourse
 - sites of special scientific interest, special areas of conservation, national nature reserves, or biodiversity action plan priority habitats
2. The following breaches of planning control will be given top priority for investigation and, where necessary, enforcement action:
 - a) **Unauthorised works to a listed building** – this is a criminal offence, and such works may result in irreparable harm to the building’s historic or architectural interest.
 - b) **Unauthorised building work in breach of development plan policies** – deliberate and harmful attempts to flout or abuse the planning process (e.g. building a new dwelling or a large domestic extension without permission) need to be addressed urgently before building work reaches an advanced stage to protect the environment and the credibility of the planning system.
 - c) **Incorrect setting out of new buildings or incorrect slab levels** – problems relating to the visual impact of a new development or a harmful impact on neighbouring properties can arise if a building is sited incorrectly or the slab level is too high – enforcement action to rectify such breaches can be protracted and fraught if it is not taken at the earliest possible opportunity.
 - d) **Unauthorised industrial/commercial uses which give rise to significant harm to the amenity of neighbouring residents** – such harm may be a result of noise, smell, vibration, fumes, smoke or dust, and residents should not have to endure a harmful diminution of their living environment.
 - e) **Unauthorised works to a TPO tree** – this is a criminal offence and may result in permanent harm to the tree.

3. The priority to be given to other unauthorised development/works such as caravans/mobile homes, use of existing rural buildings, advertisements (including flyposting), fences, garden extensions, etc. will be decided by the Enforcement Officer in consultation with the APO (North), APO (South) or the Section Head (Environmental Planning & Conservation), as appropriate, following consideration of the issues referred to in paragraphs 1 and 6 of this Policy, and in accordance with paragraphs 4, 5 and 7 – 14 of this Policy and the Internal Procedures set out below.
4. Unless the circumstances of the case justify urgent formal enforcement action (i.e. serving a notice or Court summons or taking direct action), the Council will seek to remedy breaches of planning control through informal discussions and negotiation. If these prove unsuccessful within a reasonable timeframe and it is considered expedient to do so, the Council will then proceed to take formal enforcement action. Any formal action taken will be commensurate to the seriousness of the breach of planning control and will be in accordance with the Council's Scheme of Delegation.
5. When considering whether to take enforcement action against the unauthorised siting of occupied caravans/mobile homes, the Council will first enter into discussions with the occupiers to gain an understanding of the reason(s) they have moved onto the site and their personal/family needs, and to explain the planning issues raised and the possible consequences of the breach of planning control. The decision whether to recommend taking enforcement action and the timeframe for seeking authority for such action will be made by the Enforcement Officer in consultation with the APO (North) or APO (South), as appropriate, following consideration of the issues referred to in paragraph 1 of this Policy and the personal/family needs of the occupiers of the caravans/mobile homes, and in accordance with the Internal Procedures set out below.
6. When considering unauthorised advertisements (e.g. banners, flags, A-boards on highway land, illuminated fascia signs), priority will be given to taking action against advertisements which are considered to be particularly harmful to:
 - a) highway safety, either by obstructing highway visibility or impeding the free-flow of pedestrians/cyclists on the highway (including A-boards);
 - b) the visual amenity of the countryside, particularly if they are prominent from trunk or principal roads;
 - c) the character, fabric or setting of a listed building;
 - d) the character or appearance of a conservation area (including A-boards on highway land);
 - e) the visual amenity of the area due to their temporary nature where they are advertising an event and:
 - i. they are displayed more than 14 days before the event they are advertising or 3 days after the event has finished; or
 - ii. there is, in the opinion of the Enforcement Officer in consultation with the APO (North) or APO (South), as appropriate, an excessive number of signs displayed; or
 - iii. they are displayed in location(s) remote from the site of the event being advertised – i.e. they are not on or immediately adjacent to the site; or
 - iv. the event being advertised does not support a charity, the local community or the general vitality of the village/town (examples of such events include

farmer's markets, craft fairs and other similar events supported by the Town or Parish Council).

Unauthorised advertisements not coming within any of the above categories will be given lower priority.

7. The decision on whether to recommend taking action against unauthorised advertisements will be made on a case by case basis by the Enforcement Officer following consultation with the APO (North), APO (South) or the Section Head (Environmental Planning & Conservation), as appropriate. However, in relation to flyposting, the decision to serve a Fixed Penalty Notice will be at the sole discretion of the Enforcement Officer – one prior warning will normally be given before a Fixed Penalty Notice is served. Action will be taken if an advertisement is considered to be particularly harmful in accordance with paragraph 6 of this Policy. Action will be in accordance with the Internal Procedures set out below and will be one or more of the following:
 - Prosecution – under regulation 30(1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
 - Discontinuance Notice – under Regulation 8(1) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
 - Fixed Penalty Notice – under Section 43 of the Clean Neighbourhoods & Environment Act 2005.
 - Direct action – the power of direct action to remove signs displayed on the public highway is provided by Section 225 of the Town & Country Planning Act 1990 and Section 132(2) of the Highways Act 1980 (with authority delegated from Oxfordshire County Council to this Council).
8. In cases where a complaint is received and investigations identify a minor breach of planning or listed building control but it is not considered expedient by Officers to take enforcement action, the reasons for deciding to take no further action will be explained to the complainant. If the complainant is not satisfied with the explanation, a formal decision to take no further action will be made following consideration of a written report by the Deputy Director (Planning and Community Strategy) in consultation with the Chair or Vice-Chair of the Development Control Committee.
9. In cases where it is considered possible that conditional planning permission or listed building consent may be granted to regularise a breach of planning or listed building control, the decision whether to invite a retrospective planning application or a listed building application for works already carried out will be made by the Enforcement Officer following consultation with the APO (North), APO (South) or the Section Head (Environmental Planning & Conservation), as appropriate. If a retrospective planning application is not submitted within a reasonable timeframe, the Enforcement Officer following consultation with the APO (North), APO (South) or the Section Head (Environmental Planning & Conservation) as appropriate will decide whether to initiate enforcement action or whether to carry out the procedure set out in Policy 8 above.
10. Retrospective applications will be decided on their own merits and will not be permitted or refused simply because the works have already been carried out. Enforcement action will not normally be taken whilst a retrospective application or appeal is under consideration. In these circumstances, the applicant/developer will normally be advised to cease any

further work. However, carrying out work without planning permission is not a criminal offence and the applicant/developer may choose to continue with the work. If they do, the Council will advise them that any unauthorised development may be abortive and is undertaken entirely at their own risk – i.e. they may be required to demolish or modify the development at their own cost.

11. Unless it is urgently needed, enforcement action will not be taken against an unauthorised business use or operation without discussions first being held with the business to see if the harm to local amenity can be minimised or, if necessary, to assist its relocation to another site. Such discussions and consequent actions need to be carried out within a timeframe set by the Enforcement Officer following consultation with the APO (North) or APO (South), as appropriate. The timeframe for deciding whether to take enforcement action in these circumstances should not normally exceed 12 months.
12. Anonymous or obviously malicious complaints or allegations of a breach of planning control will not normally be investigated.
13. Complaints about a possible breach of planning control can be made by telephone or in writing. Written complaints can be made by letter, e-mail or fax, or by using the planning enforcement enquiry form which is available from the Council on request and is on the Council's website. To enable the Council to investigate an alleged breach of planning control, it is essential that information relating to the nature of the alleged breach, the site in question, the complainant's details, and the effect the alleged breach has on the complainant or the wider environment are provided by the complainant.
14. Complainants have an expectation of confidentiality from the Council. Accordingly, complaints about alleged breaches of planning control and all related correspondence will be dealt with confidentially, and the identity of complainants will be kept confidential. Complainants will be treated as "protected informants" under the provisions of Schedule 1 of the Local Government (Access to Information) Act 1985, and the information they provide will be treated as "exempt information" under the provisions of Part II Section 31(1)(g) of the Freedom of Information Act 2000. However, if the matter is to be progressed to a public inquiry or the Courts, complainants may be asked to provide evidence to support the Council's case and, in these circumstances and only with their agreement, the identity of a complainant would no longer be confidential.

Within the policy context provided by the above assessment of harm and priorities for investigation and action, the Enforcement service will endeavour to meet the Service Standards and comply with the Internal Procedures set out below.

Service Standards

The Enforcement service will:

- Provide a written acknowledgement of the receipt of written complaints (i.e. by letter or e-mail) within 3 working days, and endeavour to provide a written interim response to the complainant within 15 working days.
- Investigate 80% of enforcement complaints within 10 working days of receipt. This will include a site visit and an initial assessment of the alleged breach.

- Provide a written interim response to 80% of complainants (letter or e-mail) to their initial complaint within 5 working days of the site visit (i.e. within 15 days of the receipt of the complaint).
- All complainants will receive a written explanation of the decisions and actions taken by the Council.
- Give priority to letters of complaint/enquiry received from Members, Town/Parish Councils/Meetings and Chambers of Commerce, and provide a written response (i.e. letter or e-mail) within 10 working days of receipt.
- In cases where a remedy of planning or listed building control is considered necessary, advise the person(s) responsible for the breach immediately what needs to be done to remedy the breach and the likely consequences if they fail to do so within a timeframe set by the Council. If the suggested remedy is the submission of a retrospective planning application, the timeframe given for the submission of the application will normally be up to a maximum of 2 months.
- Initiate action or instruct the Legal service to take the required action within 5 working days of enforcement action being authorised.
- In cases of minor breaches of planning or listed building control when it is not considered expedient to take enforcement action:
 - i. make the decision to take no further action as expeditiously as possible to enable the file to be closed; and
 - ii. when the decision to take no further action is made by the Deputy Director (Planning and Community Strategy) in consultation with the Chair or Vice-Chair of the Development Control Committee, inform complainants in writing of the reasons for the decision to take no further action within 5 working days of the decision being made.
- Decide High Hedge Complaint applications made under Part 8 of the Anti-social Behaviour Act 2003 as expeditiously as possible.

Internal Procedures

The Enforcement service will:

- Obtain authority (when required) to take appropriate action in relation to unauthorised development, works to a listed building, advertisements, or works to protected trees from the Development Control Committee or the Deputy Director (Planning and Community Strategy) in consultation with the Chair or Vice-Chair of the Development Control Committee in accordance with the Council's Scheme of Delegation.
- Advise complainants that their identities will be kept confidential, but if the matter is to be progressed to a public inquiry or the Courts they may be asked to provide evidence of the alleged breach of planning control. In these circumstances, and only with their agreement, their identity would no longer be confidential.
- Maintain properly documented records of all investigations into alleged breaches of planning control, including:
 - i. all correspondence with interested parties, including e-mails
 - ii. notes of conversations with interested parties
 - iii. the dates and times of site visits

- iv. dated photographs
 - v. plans and drawings annotated with notes, if appropriate.
- Compile weekly lists of complaints and yellow cards (i.e. notifying commencement of developments) received and forward to the Development Control Manager, APO (North), APO (South) and the Section Head (Environmental Planning & Conservation) every week.
 - Liaise with the APO (North), APO (South) and the Section Head (Environmental Planning & Conservation) and agree which cases on each weekly list of complaints and yellow cards received are to be given priority.
 - Monitor progress on all cases via the Uniform Enforcement Module, which is to be accessed by the Enforcement team, Development Control Manager, APO (North), APO (South) and the Section Head (Environmental Planning & Conservation).
 - Liaise regularly with the Legal service to ensure progress is made on priority cases. This will include requiring monthly updates from Legal on all outstanding cases, and forwarding each update to the Development Control Manager, APO (North), APO (South) and the Section Head (Environmental Planning & Conservation).
 - Ensure Enforcers meetings are held every quarter, chaired by the Development Control Manager and attended by the Enforcement team, APO (North), APO (South), Principal Planning Officer (North), Principal Planning Officer (South) and the Section Head (Environmental Planning & Conservation). The purpose of these meetings is to monitor progress on current cases, decide actions within agreed timeframes and allocate responsibilities, and report new cases.
 - Report to the Chair and Vice-Chair of the Development Control Committee every quarter on the status of current enforcement cases where action has been authorised.
 - Report to the Development Control Committee annually on the status of current enforcement cases where action has been authorised.

ENFORCEMENT STRATEGY

1. To work closely with Town and Parish Councils and Ward Councillors to identify possible breaches of planning control at the earliest opportunity.
2. To give priority to monitoring the setting out of new development which could adversely affect existing residential property if it is not built in accordance with the approved plans.
3. To ascertain that all conditions which require compliance prior to the commencement of development have been complied with, and to make periodic unannounced visits to ensure that significant planning conditions are being complied with, particularly with regard to the use of land or buildings.
4. To make a preliminary site visit as soon as possible after the receipt of a complaint of unauthorised development.
5. To monitor the Departments response rates to the duties outlined in paragraphs 2, 3 and 4 and produce performance targets for subsequent years.
6. To give priority to the investigation of alleged breaches of planning control which adversely affect the amenities of existing residential property.
7. To advise persons responsible for a breach of control or departure from the approved plan, as soon as possible, what steps are necessary to remedy that breach, and what consequences are likely to follow should they fail to remedy the breach within a reasonable period of time.
8. To keep complainants and interested Ward Councillors and Parish Councils, informed of the progress on investigations, and in the event of it being decided not to take action, then the reason for that decision.
9. To advise complainants that it is not the normal practice to withhold their identities once an investigation has been commenced, and that they may be asked to provide evidence of the alleged breach, either at a public inquiry or in the courts.
10. Where minor breaches occur but enforcement action is considered unnecessary, the decision to take no further action will be made by the Chief Planning & Engineering Officer following consultation with the Chair of the Planning and Development Committee.
11. Where it is suspected that a breach of planning control has occurred, but further information is required before making a final judgement then a decision to serve a Planning Contravention Notice will be made by the Chief Planning & Engineering Officer following consultation with the Chair of the Planning & Development Committee.

12. To invite planning applications in all cases where there is the possibility of planning permission being granted, with conditions which might remedy or alleviate the problem.
13. Where no remedy appears possible, then to discuss with those responsible the possibility of moving to a more acceptable alternative location, and the time scale of such a move.
14. In respect of paragraphs 12 and 13 above, to give particularly sympathetic attention to the problems of householders and small businesses.
15. Where enforcement action is considered necessary and no negotiated settlement appears possible, then the matter will be referred to the Planning & Development Committee for authority to serve either an Enforcement or Breach of Condition Notice.
16. Once an Enforcement Notice has been authorised by Committee, then every effort will be made to bring the matter to a successful conclusion as quickly as possible, through court action if deemed necessary by the Chief Planning & Engineering Officer in consultation with the Chair.
17. In exceptional cases of substantial harm to the environment or the amenities of local residents a Stop Notice may be considered, after balancing the benefit to the public interest against the hardship likely to be suffered by the individual.
18. To monitor the Department's performance in resolving alleged breaches of planning control with regard to both speed and effectiveness and to produce performance targets for subsequent years.
19. To seek the regularisation or removal of unauthorised advertisement signs, giving priority to those which adversely affect Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty and the Green Belt.
20. To seek, in conjunction with the County Highway Authority or relevant Parish Council, the removal of unauthorised signs within the boundary of the public highway, giving priority to those which adversely affect Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty and the Green Belt.

DO	DON'T
Have an enforcement policy	Enforce solely to regularise acceptable development
Have regard to judicial authority	Enforce solely to obtain a fee
Have regard to the provisions of the development plan and other material	Give weight, either way, to the fact that the development has already taken place
Have regard to national policy guidance	Have regard to other immaterial (non-planning) considerations
Have regard to procedural advice in DOE/WO Circulars and use the example/model notices as guides	Let protracted negotiation delay essential enforcement action
Investigate complaints thoroughly and act promptly	Be overtaken by time limits for enforcement
Keep accurate records, including photographs where possible	Forget to consult other departments and sources of information
Respect complainants' confidentiality	Prevent delay by ensuring that a properly delegated person is always available to take urgent action/decisions when needed
Be prepared to give reasons for taking enforcement action or ignoring a breach or inviting an application for permission	Act without proper authority according to Standing Orders
Use the appropriate investigative powers	Seek to restore land to a better condition than it was in before the breach took place
Be prepared to justify those powers	Be too legalistic
Use HM Land Registry and own records	Be unduly cautious about serving stop notices
Maintain close liaison between Council Departments	Hesitate to issue enforcement notices in the alternative, if unsure of the nature of the breach
Have regard to the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of criminal offences	Ignore other uses on land in mixed use when formulating allegations, or the provisions of section 173(11)
Be aware of the Local Government Ombudsman	Require "immediate" compliance with an enforcement notice (that does not give a period)
Keep up to date with reported case law and keep staff informed by circulating it	Forget that a neighbouring LPA may have relevant experience or be a source of advice

DON'T	DO
Forget to enter action in the register of enforcement and stop notices and breach of condition notices	Allocate the necessary resources to see action through to the end.
Forget to withdraw a redundant notice in good time	Delegate sensibly (the next committee meeting may be too late)
Forget that BCNs are available for some breaches	Make sure action is properly authorised
Ignore the possible advantages of "default" action over prosecution	Be clear and precise in specifying breaches and requirements
Hesitate to challenge an appeal decision that is clearly defective	Use plain language
Forget some Magistrates' Courts see few enforcement cases	Be prepared to use all the enforcement powers available, commensurate with the seriousness of the breach
Try to prosecute an owner under section 179(4)	Make sure the reasons for issuing the enforcement notice match its requirements
Ignore the benefits of computerised record-keeping	Be prepared to counter requests for adjournment
Ignore the safety of staff	Set priorities for enforcement action
Be strong with the weak and weak with the strong	Involve the police if trouble is expected
Be influenced by threats or other irregular pressures	Have regard to the Council's obligations under other legislation which may be invoked as a result of enforcement action
	Be flexible and consider <u>genuine</u> alternative solutions