

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	14 January 2004
Subject:	93 Stanmore Hill, Stanmore - Breach of Planning Control
Key Decision:	No
Responsible Chief Officer:	Joint Report of the Borough Solicitor and Chief Planning Officer
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part I
Ward:	Stanmore Park
Enclosures:	Appendix A - Site Plan

1. **Summary / Reason for Urgency (if applicable)**

- 1.1 A report was placed before the Development Control Committee on 11 December 2002, relating to the unauthorised construction of a shop front at the above property. The Committee resolved that an Enforcement Notice be issued requiring the removal of the shop front and its replacement with a shop front as specified in the notice.
- 1.2 The Local Planning Authority may do this where it has accurate records of the shop front removed. Unfortunately, such records do not exist on this occasion.
- 1.3 Current legislation only allows the notice to relate to the removal of the shop front where no records of the previous shop front exist. This report seeks to resolve the error previously reported.
- 1.4 By following this course of action it will be necessary to allow adequate time for the owners of the property to apply for planning permission for a replacement shop front. As such a compliance period of 6 months is recommended.

2. Recommendation (for decision by the Development Control Committee)

2.1 Subject to his being satisfied as to the evidence the Borough Solicitor to the Council be authorised to:

(a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

(b) (i) demolish the shop front;

(ii) permanently remove its constituent elements from the land.

b (i) and b (ii) should be complied with within a period of 6 months from the date on which the Notice takes effect.

(c) Issues Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(d) Institute legal proceedings in event of failure to:

(i) supply the information required by the Borough Solicitor through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) comply with the Enforcement Notice.

3. Consultation with Ward Councillors

3.1 None

4. Policy Context (including Relevant Previous Decisions)

4.1 The replacement of a shop front at the property was reported to the Development Control Committee on 11 December 2002. The Committee resolved to issue a Planning Enforcement Notice and notices pursuant to Section 330 of the Town and Country Planning Act 1990.

4.2 This resolution was put on hold as negotiations took place leading to the submission of planning application P/399/03/CFU. This application was refused by the Development Control Committee on 9 July 2003.

4.3 Application P/522/03/CAD for a non-illuminated fascia sign was refused by the Development Control Committee on 9 July 2003.

5. Relevance to Corporate Priorities

5.1 This report addresses the Council's stated priority of enhancing the environment of the borough.

6. Background Information and Options Considered

6.1 The resolution from the Development Control Committee made at its meeting of 11 December 2002 to serve an Enforcement Notice included the removal of the unauthorised shop front and the installation of a replacement shop front in accordance with details to be specified in the Notice.

6.2 A Planning Enforcement Notice can only require the removal of an unauthorised development, and its replacement with what was there previously. However, on this occasion the Council does not have a precise record of what was there previously.

6.3 Unfortunately the Council cannot serve the Notice agreed by the Development Control Committee on 11 December 2002. Thus authorisation is sought from the Development Control Committee for the service of an Enforcement Notice for the removal of the unauthorised shop front.

6.4 It is proposed that such a Notice should have a compliance period of 12 months, to allow the owners of the property to make a planning application for an alternative shop front, and for an alternative to be installed.

7. The Breach of Planning Control

7.1 Without planning permission, the construction of a shop front.

8. Reasons for Issuing the Notice

8.1 It appears to the Council that the breach of planning control has occurred within the last four years.

8.2 The shop front, by reason of its design and appearance is detrimental to the appearance of the property and fails to enhance or preserve the character and appearance of this part of the Stanmore Hill Conservation Area, contrary to Policies E5, E6, E8 and E38 of the Harrow Unitary Development Plan (1994) and Policies SD1, D4, D7, D16 and D17 of the Harrow Revised Deposit Draft Unitary Development Plan (2002).

8.3 The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

9. Consultation

9.1 Not applicable.

10. Finance Observations

10.1 None

11. Legal Observations

11.1 None

12. Conclusion

12.1 The issue of an Planning Enforcement Notice to rectify this breach of planning control is recommended.

13. Background Papers

13.1 Planning applications: P/339//03/CFU
P/552/03/CAD

14. Author

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