

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	15 th June 2004
Subject:	52 Mountbel Road, Stanmore Breach of Planning Control
Key Decision:	No
Responsible Chief Officer:	Joint Report of the Borough Solicitor and of the Chief Planning Officer
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part I
Ward:	Belmont
Enclosures:	Appendix A - Site Plan Appendix B - Copy of the Enforcement Notice

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

- 1.1 This report seeks agreement to instigate prosecution proceedings for non-compliance with an enforcement notice, issued under delegated authority, in respect of the erection of a close boarded fence.

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

- 2.1 That subject to his being satisfied as to the evidence the Borough Solicitor be authorised to:
- (a) 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 ref: ENF/332/02/EAST, issued on 2 December 2003.

3. **Consultation with Ward Councillors**

- 3.1 None.

4. Policy Context (including Relevant Previous Decisions)

4.1 There are no previous relevant decisions.

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 A planning enforcement notice was issued under delegated authority on 2nd December 2003 in respect of an alleged breach of planning control, the erection of a close boarded fence over one metre in height.

6.2 The notice required a reduction in the height of the fence to a height not exceeding one metre above ground level. Where the unauthorised development runs along the boundary between the land and 50 Mountbel Road, reduce the unauthorised development to a height not exceeding 1 metre above ground level for a distance of 1.5 metres beginning from the back edge of the foot way along the boundary with 50 Mountbel Road.

6.3 The notice took effect on 2nd January 2004 with a compliance period of 1 month.

6.4 The site was inspected after 2nd February 2004, the required works had not been carried out.

6.5 Negotiations to secure compliance with the requirements of the notice took place with the owner of the land. Unfortunately these negotiations have not been successful and the fence remains in place.

6.6 It is considered that further negotiations will not result in compliance with the enforcement notice. As such, prosecution proceedings for non-compliance with the enforcement notice are appropriate at this time as a further attempt to seek compliance with the notice.

7. The Breach of Planning Control

7.1 Non-compliance with the requirements of planning enforcement notice (ref: ENF/332/02/EAST) issued on 2 December 2003:-

- (i) Reduce the unauthorised development to a height not exceeding 1 metre above ground level where the unauthorised development is adjacent to the highway as shown, for illustrative purposes only, cross hatched with a black line on the attached plan.

- (ii) Where the unauthorised development runs along the boundary between the land and 50 Mountbel Road, reduce the unauthorised development to a height not exceeding 1 metre above ground level for a distance of 1.5 metres beginning from the back edge of the footway along the boundary with 50 Mountbel Road as shown, for illustrative purposes only, cross hatched with a black line on the attached plan.

8. Consultation

8.1 Not applicable.

9. Finance Observations

9.1 None.

10. Legal Observations

10.1 Contained in the report.

11. Conclusion

11.1 The fence is visually obtrusive and detrimental to the amenities of the occupiers of surrounding properties. It is unlikely that further negotiation will result in compliance with the enforcement notice, to reduce the height of sections of the fence.

11.2 Legal proceedings should be instigated to aid in seeking compliance with the enforcement notice.

12. Background Papers

12.1 Planning enforcement notice ref: ENF/332/02/EAST.

13. Author

13.1 Glen More, Planning Enforcement Manager, ext 5219

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