

**PI/2006/00220** 6 Blakes Field Drive, Barnt Green

**RECOMMENDATION:** that Members authorise appropriate action to remedy the identified breach of planning control and delegate authority to Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, to select the most appropriate course of action.

#### Purpose of Report

To advise Members that a breach of planning control has taken place and to seek authority for Enforcement Action to bring about a cease of that breach.

#### Consultations

Liaison has taken place with the Head of Legal, Equalities and Democratic Services and Planning Managers.

#### The site and its surroundings

The site of the breach is a residential plot at the end of a cul-de-sac located in the village of Barnt Green. This is a recognised residential area. There are a total of 6 residential properties on this drive.

#### Human Rights

Human Rights issues have been considered as the subject of the report is a residential bungalow. However, as the property is no longer being occupied, it is considered that Human Rights are being breached.

#### Relevant Policies

WMSS	QE3
WCSP	SD.2, CTC.1, T.1
BDLP	DS3, DS13, S7, BG4
Others	PPS1, SPG1, SPG10

#### Relevant Planning History

B/2006/0159 Replacement dwelling and detached garage, demolition of existing dwelling and detached garage

#### Notes

Members may recall that planning permission was granted in April 2006 under permission B/2006/0159 for a replacement dwelling and detached garage to replace the existing bungalow and detached garage. Condition 3 on this permission stated:

*"The existing buildings shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced unless the materials of the existing house are to be used in the construction of the proposed development."*

Construction of the approved dwelling commenced around June 2006. In July 2006, complaints were received by the Enforcement Section that the existing bungalow had not been demolished as required by Condition 3 of the permission. The site was inspected by a member of the Enforcement Section. That inspection revealed that a small part of the existing bungalow and the majority of the detached garage had been demolished. The owner of the premises was still residing in the remaining parts of the bungalow. Liaison with the owner and the developer took place by the Enforcement Officer and it was established that the demolished sections of the buildings had been used in the formation of the base of the new dwelling, and therefore there had been a partial compliance with Condition 3. It was their intention to demolish the rest of the bungalow and the garage once the new dwelling was occupied and to use the subsequent material for the base of the detached garage. Any remaining material would then be removed from the site.

Several complaints were received from neighbours regarding the situation. The Enforcement Section accepted that there had been a partial compliance with Condition 3 and that it was not expedient to take action at that time.

Construction reached the stage where the owner has now been able to vacate the original bungalow and move into the new dwelling. This formal occupancy took place on 1st June 2007. The owner was advised in writing of the need to fully comply with Condition 3 and remove the rest of the original buildings. In a meeting with an Enforcement Officer, the owner expressed a verbal intention of keeping the original bungalow as a separate dwelling. To date the original bungalow still remains on the site and in breach of Condition 3.

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