

## **Planning Committee - 7 January 2009**

### **Report of the Head of Legal and Democratic Services**

#### **Enforcement Item**

#### **24 Silver Street Wivelsicombe**

#### **Background**

At its meeting on the 5 September 2007 the Committee was advised that planning permission had previously been granted for conversion works at 24 Silver Street and the replacement of a shop front to form a residential unit.

Works had been carried out to the property which were in effect a demolition and rebuild, far exceeding the works permitted under the planning permission.

Members authorised enforcement action to require the re-instatement of 24 Silver Street.

A retrospective application was received which in effect sought the regularisation of the works that had been carried out. This was considered by the Committee on the 13 February 2008 when the Committee heard concerns from a local resident that an original rubble wall on the southern elevation had been “lost” and had been replaced by a rendered wall. The Committee therefore resolved to grant the permission subject to the receipt of a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation.

No such plan was received and the application was refused. At its meeting on the 16 April 2008 the Committee confirmed that its earlier resolution in respect of enforcement should be limited to the provision of a rubble wall in line with its resolution on the planning application.

An enforcement notice as subsequently served and appealed. It was however withdrawn following an indication from the Planning Inspectorate that the notice was insufficiently precise in its wording.

A further notice was served which sought to address that by stipulating in detail the works required to replace the wall.

#### **The current grounds of appeal.**

The second enforcement notice has also been appealed and the grounds can be summarised as follows;

1. It is argued that the Notice is defective in that it refers to extraneous material, ie plans submitted with the planning applications, and it is therefore not clear from the notice what works are required.
2. It is argued that planning permission ought to be granted in any event as the existing rubble wall replaced a wall in poor condition which would have had to be rendered in any event to make it waterproof. The wall in question is not visible to the general public and most buildings in the vicinity are rendered .
3. The requirements of the notice in requiring the provision of brick quoin and plinth detailing contradicts the views of the conservation officer as reported to the Planning Committee on 13 February 2008.
4. The notice requires the provision of features which did not form part of the original building eg red brick bull nose cills and red brick arched window and door heads.
5. The section of the wall under the archway was originally rendered as was a section at the eastern end of the elevation.
6. The appellants therefore believe the notice is excessive in its requirements. They also consider the time for compliance to be too short.
7. The notice is further challenged in that it does not require the demolition of the existing wall, which would be required prior to the re-building of the rubble wall. For technical reason that wall could not in any event be built on the line of the existing,

In the light of the above grounds of appeal Members therefore need to consider whether it is expedient to continue with enforcement action which involves the defence of the appeal, probably at a Public Inquiry.

In considering the question of expediency Members should consider both the provisions of the development plan and any other material considerations, including issues raised by the grounds of appeal.

Members are therefore requested to re-consider the proposed enforcement action in the light of the grounds of appeal.

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