

Planning Committee – 23 September 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E0192/43/09
2. **Location of Site** 17b Walkers Gate, WELLINGTON
3. **Names of Owners** Mr and Mrs McCarthy
4. **Name of Occupiers** Let property
5. **Nature of Contravention** Erection of timber shed on driveway
6. **Planning History**

A complaint was received on 19th May 2009 that a shed had been erected on the driveway associated with 17b Walkers Gate. The complainant stated that the shed had been in this position for at least 4 years and was aware that it was immune from any enforcement action. However, conditions were attached to the original planning approval in 1991 stating that at least one garage and one parking space shall be provided for each dwelling. It was claimed that the provision of the shed prevented two cars from being parked on the drive without impeding on others land. A site visit was made and photographs taken of the site. The Planning Officer was consulted and it was decided that the owners should be contacted to ascertain how long the shed has been on site and how many cars are parked on the drive at any one time. The owners of the property live in Cypress but Mrs Cottam, Mrs McCarthy's mother handled the letting of the property. She stated that the shed had been on site for many years but had recently had to be re-felted. The original approval did include a condition stating that two car spaces should be provided so initially it appeared that the condition may well have been breached albeit that approval dates back 18years. Mr and Mrs McCarthy recently visited the property and contacted the Enforcement officer. A meeting was held on Monday 17th August where measurements were given to establish the size of the shed and parking area. The length of the driveway is 10.8m. The shed occupies a space of 2.5m leaving 8.3m to accommodate two vehicles. However, only one vehicle is usually parked on the drive. Due to the fact that no action can be taken over the siting of the shed and it is the Local Planning Authorities opinion that it is possible to accommodate two vehicles on the remainder of the driveway it appears that the condition has not been breached. The complainant feels that the remaining space is not adequate to accommodate two vehicles and maintains that the condition has been breached.

7. Reasons for Not Taking Enforcement Action

It is considered that due to the time that has elapsed since the approval was first given and the changes in Policies relating to car parking on residential developments the remaining 8.3m is an adequate space to facilitate the parking of vehicles connected to 17b Walkers Gate. Therefore it is not expedient to commence formal Breach of Condition action.

8. Recommendation

That members agree that no further action is taken.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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