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NOTICE OF MEETING

Meeting:	Planning Enforcement Sub-Committee
Date and Time:	Monday 26 June 2023 10.00 am
Place:	Council Chamber
Enquiries to:	Committee Services
Members:	Blewett, Kennett, Makepeace-Browne, Oliver and Southern

Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting had provided their consent to any such recording.**

1 MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

The Minutes of the meeting held on Monday 30 January 2023 are attached to be confirmed and signed as a correct record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 CASTLE BRIDGE COTTAGES, HOOK ROAD, NORTH WARNBOROUGH, HOOK (Pages 7 - 22)

The Council has a duty to investigate complaints about development, including building and engineering works and changes of use, that may have been carried out without the necessary permission or consent.

In December 2022 an enquiry was received alleging a number of breaches of planning control at each of the dwellings at Castle Bridge Cottages, Hook Road, North Warnborough, Hook, Hampshire.

6 UPDATE ON PLANNING ENFORCEMENT LIVE CASES

A verbal update from the team.

Date of Despatch: Friday, 16 June 2023

PLANNING ENFORCEMENT SUB-COMMITTEE

Date and Time: Monday 30 January 2023 at 10.00 am

Place: Council Chamber

Present:

Southern (Chairman), Oliver, Blewett and Makepeace-Browne

In attendance:

Officers:

Mark Jaggard, Executive Director, Place

Stephanie Baker, Development Management & Building Control Manager

Maxine Lewis, Planning Enforcement Team Leader

Sylvia O'Connor, Enforcement Officer

Sharon Whittaker, Planning Enforcement Officer

Tola Otudeko, Shared Legal Services

Sarah McCann, Shared Legal Services

Jenny Murton, Committee & Member Services Officer

8 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 17 October 2022 were confirmed and signed as a correct record.

9 APOLOGIES FOR ABSENCE

There were no apologies.

10 DECLARATIONS OF INTEREST

None.

11 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Planning Enforcement Team Leader would be leaving the council in March and the Development Management & Building Control Manager confirmed steps are being taken to try to provide cover for this role in the coming weeks.

The Chairman commended the Planning Enforcement Team Leader for all her work for Hart over the years.

The Chairman also announced that he would be swapping the order of Items 5 (Update on Planning Enforcement) and 6 (Condition of Listed Barn at West Minley Farm).

12 CONDITION OF LISTED BARN AT WEST MINLEY FARM

The Planning Enforcement Team Leader presented the case and showed photographs of the barn from 2016 and 2021. She explained that the barn's condition had now seriously deteriorated further and stated that the barn is open to the elements and is not wind and watertight.

It was noted that if the Council served an Urgent Works Notice, and the owner declines to do the works, or otherwise was unresponsive, then the local authority has powers to execute any works which appears to them to be urgently necessary for the preservation of the listed building. Given the financial implications this decision would need to be taken at Cabinet, and not at the Planning Enforcement Sub Committee.

For this reason, officers asked the Planning Enforcement Sub Committee to only consider Recommendation A.

The Development Management & Building Control Manager confirmed the barn is a Grade II listed building and summarised the list entry reasons from the Historic England register, namely:

- Architectural interest as a substantial late C17 or early C18 timber frame and roof structure, with unusual evidence of how it was carefully dismantled and reassembled in the mid-C19, and
- Historic interest as reconstructed as part of a new farmstead on former heathland within the Minley Estate which in 1846 was acquired and subsequently developed by the Currie family

Members questioned and discussed:

- The process that would need to be followed if the Council undertook this repair work, the financial repercussions, timescales, and Cabinet's responsibility in this process.
- The ownership of the barn, the owner's responsibilities and that it is not up for sale.
- Whether officers knew the cost of required works
- Mechanisms for the Council to recover its costs and timescales
- How long would be reasonable to ask owners to undertake works
- The value to the community
- Historic England's role in this case, and how it had previously refused to de-list the barn.
- Whether any prosecutions could be sought if the condition of the barn deteriorated further.
- Whether issuing an Urgent Works Notice was appropriate.
- How the Council came to know of the current state of the barn – it was confirmed that it had been brought to their attention from a member of the public.
- The 2021 site visit that was undertaken by the Development Control Team.

- Whether the barn and front paddock had the same owners as the other properties on the site - it was confirmed they had.
- Why the owners were not seemingly doing any maintenance work to the barn – it was confirmed there is no requirement in the Listed Building Act for owners to maintain properties to specific standards.
- What the value would be to the local community in retaining and restoring the barn to a good standard.

The Development Management & Building Control Manager also confirmed that the owner had previously offered to arrange repair work to the barn, but it had been considered to harm the building's character and this was held at appeal.

The Chairman stated that he had been on the Committee in 2018 when Historic England made their latest update to the listing of the barn.

The Development Management & Building Control Manager highlighted that Historic England had grants to underwrite an Urgent Works Notice and these may be applicable for this case. Officers would look into this avenue.

The Development Management & Building Control Manager summarised the reasons why Historic England had listed the building.

Members debated:

- The architectural value and interest of the building
- Who would be financially responsible for the barn's repair work.
- A revision to Recommendation A to include the addition of listing the methods considered for the required repair work and timescales.
- It was also requested that the Urgent Works Notice *if* issued, be delivered personally to the owner, and not sent via the post or email.

DECISION

An amended Recommendation A was proposed by the Chairman and seconded by Councillor Oliver. The Planning (Enforcement) Sub-Committee unanimously agreed Recommendation A, as amended below:

The owner will be advised in writing that the Council is considering the issue of an Urgent Works Notice to ensure the building is secured and is wind and watertight. The owner would be given 14 days to respond with details of whether they intended to undertake the works voluntarily and if so, to confirm the methods to make the building wind and watertight and the timescale involved.

The Planning (Enforcement) Sub-Committee unanimously agreed to defer Recommendations B and C, pending the response from the owner to Recommendation A. This was proposed by Councillor Oliver and seconded by the Chairman.

The Development Management & Building Control Manager confirmed that if Recommendation A was not met, a report would need to be considered by Cabinet to consider the expediency of issuing an Urgent Works Notice.

13 UPDATE ON PLANNING ENFORCEMENT

The Planning Enforcement Team Leader highlighted that the report, 'Update on Planning Enforcement' had been brought to the Sub-Committee for information after a request at the previous Sub-Committee meeting in October 2022.

The Sub-Committee praised the report and said it was very pleased with its content, particularly the reference to historical cases. Members requested this report to be an annual addition.

The Planning Enforcement Team Leader highlighted that service level requests for the Enforcement Team had returned to pre Covid-pandemic levels. Members thanked the team for their continued work and efforts.

The Planning Enforcement Team Leader highlighted that 'notable' cases had been picked on the basis of the types of cases that Members were likely to be interested in hearing updates on.

The Planning Enforcement Team Leader highlighted that six Enforcement Notices had been issued over the last year by the Council, which was a considerably higher number than many neighbouring local authorities. Members questioned the reason for this, and it was not known. It was also noted that the Council had also issued two injunctions.

Members of the Committee thanked the Enforcement team for their continued hard work.

DECISION

The Sub-Committee noted the report and overview of the Planning Enforcement function.

The meeting closed at 10.41 am

PLANNING ENFORCEMENT SUB - COMMITTEE

DATE OF MEETING: Monday 26 June 2023

TITLE OF REPORT: CASTLE BRIDGE COTTAGES, NORTH
WARNBOROUGH, HOOK

Report of: Executive Director - Place

Cabinet member: Councillor Graham Cockarill

1 PURPOSE OF REPORT

1.1 The Council has a duty to investigate complaints about development, including building and engineering works and changes of use, that may have been carried out without the necessary permission or consent.

1.2 Effective planning enforcement is a useful tool in tackling breaches that would otherwise have had an unacceptable impact on amenity in the district and to help maintain the integrity of the Development Management process.

1.3 There are a range of enforcement powers available to the Council, however whether the Council takes any enforcement action is a discretionary matter. When considering taking any formal action the Council must consider if it is expedient and proportionate to do so having had regard to the Development Plan and any other material considerations including the adopted Enforcement Plan. It is also necessary to weigh up in each case whether taking Enforcement Action is in the public interest.

1.4 Taking formal Enforcement Action should be regarded as a last resort and many breaches of planning control can be resolved informally without action being taken. For example, retrospective planning permission can be obtained, or the transgressor can voluntarily cease the breach through negotiation with Officers.

2. BACKGROUND

2.1 In December 2022 an enquiry was received alleging a number of breaches of planning control at each of the dwellings at Castle Bridge Cottages, Hook Road, North Warnborough, Hook, Hampshire.

2.2 Castle Bridge Cottages are a terrace of Grade II Listed dwellings located on the East side of Hook Road in North Warnborough with a group listing.

The listing description states:-

C16, C18, modern. Probably two farmhouses. (Nos 1,2,3 and 6,7,8,9) later sub-divided and joined with a projecting central part (Nos 4,5), a C18 addition the south end (No 10) with a return wing (Nos 11,12). 2 storeys, attics to Nos 4,5 and 7. Red tile roof, broken by centre pantile section, one flat roofed dormer over Nos 4 and 5, 2 gabled dormers to No 7. Most of the front has exposed timber framing in the upper part with studs and braces, all jettied with small arched braces to the main posts. The infill is red brick (and tile hung 1st floor to the central part). Mostly modern casements. Two old plain boarded doors. The later southern section has red tile roofing, hipped and 1/2-hipped red brick walling with 1st floor (broken band), cambered openings, modern casements and doors. The northern part of this range is heavily restored.

2.3 The significance of the buildings lies within their historic architecture, their group and individual form, including plan form, use of historic fabric and methods of construction and detailing. Historic alterations and development also demonstrate how the houses have historically evolved, and these contribute to the buildings character.

2.4 The cottages are located within the North Warborough Conservation Area and are covered by an article 4 Direction, confirmed in September 2000.

Notwithstanding the listed status of the cottages the developments covered by the article 4 direction are:

A) The enlargement, improvement, or other alteration of the frontage of a dwelling or building within the curtilage of a dwelling, including works affecting a frontage roof slope. In respect of side extensions these are covered where they are in front of the rear wall of the dwelling.

B) The erection, construction, alteration, or demolition of a porch on the frontage of a dwelling.

C) The erection, alteration or removal of a gate, fence, wall, or other means of enclosure to the frontage of a dwelling.

D) The exterior painting of any part of the frontage of a dwelling or building within the cartilage of a dwelling. This only requires consent where it involves areas of the building not previously painted.

E) The erection, alteration, or removal of a chimney on a dwelling or building within the cartilage of a dwelling.

2.5 The allegations made against each cottage have been investigated and the findings considered. Where breaches of planning control have been identified, officers have given full consideration to the expediency of taking formal enforcement action in line with the Council's Planning Local Enforcement Plan 2016 (LEP 16).

Policy NBE9, Design, supports development which protects or enhances surrounding heritage assets, including their settings. Saved policy GEN1(v) allows developments which include provision for the conservation or enhancement of the district's landscape, ecology and historic heritage and natural resources.

Section 16 of the NPPF deals with conserving and enhancing the historic environment. It states that "In determining applications, local planning authorities should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness." "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy 5 of the Odiham and North Warnborough Neighbourhood Plan (ONWNP) states that 'Development which affects any heritage asset shall respect the significance of the asset and shall demonstrate how local distinctiveness is reinforced'.

Policy 7 of the ONWNP requires development in the North Warnborough Conservation Area to use vernacular building materials.

3.0 ALLEGATIONS

3.1 The majority of the alleged breaches relate to the erection of boundary fences to enclose the rear gardens of the properties. Other developments alleged include extensions, outbuildings, oil tanks and garden structures such as gazebos, decking and children's climbing frames.

3.2 The allegation(s) made against each cottage have been considered against current planning enforcement policies found within the Planning Local Enforcement Plan 2016, Section 16 of the National Planning Policy Framework 2021 and policies NBE 8 and NBE 9 of the Hart Local Plan (Strategy & Sites) 2032.

4.0 CONSIDERATIONS

1 Castle Bridge Cottages

Alleged Breach: Without planning permission the erection of a new boundary fence and the installation of an oil tank in the garden.

Consideration

An external site visit has confirmed that part of the boundary fence has been replaced. Google street view images indicate that the alterations took place between April 2021 and October 2022.

The owners have confirmed that the fence was damaged in storm Eunice and was repaired with a like for like panel. The new panel is slightly higher than the rest of the fence, it is also a different colour as it has not been stained to match the existing fence line.

The owners have confirmed that they will be happy to reduce the height of the fence and stain it to match the rest of the fence, following the council's confirmation of the colour to be used.

The owners have confirmed there is a disconnected oil tank in the garden, they advise this was present when they bought the property. They believe it has been in place for at least 70 years. The property has a mains gas supply, and the oil tank is unused.

The owner has provided photos of the rear garden. An oil tank can be seen in the photos which appears to be old and rusted, it is not possible to confirm the age of the tank, whether it is currently connected or when it was installed. From the photo the tank appears to be old, which supports the owner's position that it was likely to have been installed many years ago.

Planning enforcement policy PE4, unauthorised development in Conservation Areas, sets out that where unauthorised development has been carried out in a conservation area, and the development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies PE1.

The oil tank is situated at the bottom of the garden away from the listed cottage. The tank and the cottage cannot be seen together from any public vantage point due to the presence of the boundary fence immediately adjacent to it. If, as it appears, the

tank has been in situ more than 4 years it is immune from enforcement action through the passage of time.

Recommendation

Fence - That subject to the reduction in height and staining of the new fence panel to match the existing it would not be expedient to take further action in this matter.

Oil tank - It appears from the photographs provided by the owner that the oil tank has been in situ in excess of 4 years, as such the development is immune from enforcement action.

2 Castle Bridge Cottages

Alleged Breach: Without planning permission the erection of a 6ft garden fence and the erection of a shed in the rear garden.

Consideration

Site visit photos taken by an officer in 2018, in connection with 18/01107/FUL, confirm the presence of the same shed in the rear garden at that time. The shed has been in situ for more than 4 years, as such the shed is now immune from enforcement action.

All boundary fences at this property are well weathered. The rear fence can be seen in the officer photos taken in 2018, as such it has been in situ in excess of 4 years and is immune from enforcement action. The boundary fences with the adjacent dwellings, numbers 1 and 3, are well weathered, as such it is likely they have been in situ for some time.

During a site visit the presence of a white UPVc window in the rear elevation was noticed. The owner has advised that the window was present when she bought the property. The owner also brought to officers' attention that there is a second smaller white UPVc window on the ground floor rear elevation.

The owner has provided information, taken from the spacer bar on the windows, that confirms the date the windows were made. The date stamp is April 1999. This appears to confirm that the windows have been in situ for some time.

Planning permission and listed building consent would have been required to install new windows in the cottage. It is very unlikely that officer support would have been given to install UPVc windows, even in 1999. In this case it would not be possible to submit a retrospective planning application to seek to retain the windows.

In the absence of planning permission and listed building consent a breach of planning control has been identified. Where a breach of planning control has been identified the council needs to consider the expediency of taking formal enforcement action.

Policy PE1 of the Planning Enforcement Local Plan 2016, general policy for enforcement, states that formal enforcement action will not normally be taken where

a trivial or technical breach of planning control has occurred that causes no material harm or it is considered that planning permission is likely to be granted unconditionally.

In considering whether something is trivial the Council will pay particular regard to whether the site lies within a conservation area, where there is a statutory duty to ensure that new development preserves or enhances the character and appearance of the area. Where unauthorised works are carried out to a listed building the Council will also have regard to whether those works adversely affect its character and appearance.

Planning enforcement policy PE3 sets out that where works without consent have been carried out to a listed building, and the works are considered to adversely affect its character, appearance and setting, the Council will issue a Listed Building Enforcement Notice and/or start criminal proceedings where it is in the public interest to do so.

Works which alter a listed building require Listed Building Consent. Where works have been carried out without consent an offence may have been committed. Subject to the extent and nature of the works, consideration will be given to whether to start criminal proceedings and/or serve a Listed Building Enforcement Notice to make sure that appropriate remedial works are undertaken.

Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

In the absence of planning permission and listed building consent the council must give due consideration to whether consent would have been given to the unauthorised development if applications had been submitted before the work was carried out.

Section 16 of the NPPF, Conserving and Enhancing the Historic Environment, requires that 'in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness." "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The unauthorised modern poor quality white uPVC windows detract from the simple but attractive appearance of the building and result in incongruous additions that negatively impact the architectural significance of this grade II listed building and the

wider group. They also fail to preserve or enhance the North Warnborough Conservation Area.

The new windows are installed at the rear of the property. The council have no records of the windows that were in situ prior to the installation of the unauthorised UPVc windows.

The design and manufacture of the new windows, being standard white UPVc double glazed units, does not respect the character and appearance of the cottage. As such they are considered to conflict with policies NBE 8 and 9 of the Hart Local Plan 2032, Section 16 of the NPPF 21saved policy GEN1 of the Hart Local Plan 2006 and Odiham and North Warnborough Neighbourhood Plan Policy 5.

Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that where it appears to the local planning authority that any works have been, or are being, executed to a listed building in their area they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section, referred to as a "listed building enforcement notice".

A listed building enforcement notice is considered appropriate in this situation. It would ensure the removal of the unauthorised windows and restore the character, appearance and architectural interest of the heritage asset.

Where the requirements of a listed building enforcement notice are complied with, listed building consent is deemed to be granted for any alteration to the building as a result of compliance with the notice.

There is a right of appeal against a Notice.

The current owner has found themselves in an unfortunate position having bought a listed building which has historically undergone unauthorised works. It is clear that the current owner did not carry out the unauthorised works, they are therefore not guilty of an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding this the local planning authority has a duty to protect the designated heritage assets in its area.

If Members accept the officer recommendation to take formal enforcement action through service of a Listed Building Enforcement Notice, officers consider that a longer than average time should be given for compliance with the requirements of the Notice.

Recommendation

Fences - the fences appear to have been in situ for more than 4 years, no evidence has been provided by the complainant that contradicts this, as such no further action can be taken.

Shed – historic photos taken during an officer visit to land at the rear of Castle Bridge Cottages confirms the presence of the garden shed in 2018. As such the shed has been in situ for more than 4 years and is immune from enforcement action due to the passage of time.

UPVc windows – recommend formal enforcement action through service of a listed building enforcement notice with a compliance period of five years.

3 Castle Bridge Cottages

Alleged Breach: Without planning permission the erection of a 6 ft garden fence and the erection of an outbuilding.

Consideration

The officer site visit has confirmed the presence of a wooden summer house type structure in the rear garden close to the rear elevation of the property. The structure was found to be well weathered. Google Earth images show that the summer house has been in situ since at least March 2017. As the summer house has been in situ for more than four years it is immune from enforcement action due to the passage of time.

The rear garden is enclosed by fencing on all sides, with an access gate to the passageway at the rear. In 2012, in connection with an ongoing development, 4 Castle Bridge Cottages was visited in connection with an enforcement enquiry. At the time of that visit a brick wall formed the boundary between numbers 3 and 4. The current owner of number 3 has advised that the wall was damaged during the building works at number 4, following which, the then owner of number 4, replaced the wall with a fence. This would have required planning permission, no planning application was submitted.

In the absence of planning permission there is a breach of planning control in this regard. Where a breach of planning control has occurred, the council has a duty to consider the expediency of taking formal enforcement action. In considering whether formal enforcement action would be appropriate the council has to have regard to the policies within the LEP16.

Policy PE1, general policy for enforcement, states that formal enforcement action will not normally be taken where a trivial or technical breach of planning control has occurred that causes no material harm or it is considered that planning permission is likely to be granted unconditionally.

In considering whether something is trivial the Council will pay particular regard to whether the site lies within a conservation area where there is a statutory duty to ensure that new development preserves or enhances the character and appearance of the area. Where unauthorised works are carried out to a listed building the Council will also have regard to whether those works adversely affect its character and appearance.

Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

It is reasonable to expect the private gardens of the properties to be enclosed to provide private amenity space. It is not unreasonable for property owners to enclose their gardens with fences. The appearance of new fences, in any setting whether urban or conservation area, can often appear as an alien feature, particularly where they form part of a boundary with a listed building.

No evidence has been provided to confirm when the new boundary fence was erected between numbers 3 and 4. The fence appeared to be well weathered and was already partly covered by vegetation in places.

Due to the location of the gardens at the rear of the listed cottages, with very limited public views, it is considered that the wooden boundary fences do not harm the historical significance of the cottage or the wider conservation area.

Recommendation

Fences - In line with enforcement policies PE, PE3 and PE4 it would not be expedient to take further action.

Summerhouse - The summerhouse has been in situ for more than 4 years, as such it is immune from enforcement action due to the passage of time.

4 Castle Bridge Cottages

Alleged Breach: without planning permission the erection of 6 ft fencing and an outbuilding in the back garden

Consideration

This property was last visited in 2012 in connection with a planning enforcement query at that time relating to discharge of conditions on 12/02216/LBC. Work had commenced on a single storey extension without complying with two conditions pursuant to the application, details of materials and details of windows.

In 2012 a brick wall formed the boundary between numbers 4 and 3. A wooden close boarded fence has been erected in its place.

The current owner of number 3 has advised that the wall was damaged during the building works at number 4, following which, the then owner of number 4, replaced the wall with a fence. This would have required planning permission, no planning application was submitted.

In 2018 the former Assistant Conservation Officer visited land to the rear of Castle Bridge Cottages in connection with a planning application to develop the land for

housing. She took site visit photos when she visited. Some of her photos captured elements of the rear of the cottages, including the boundary fence between numbers 4 and 5. In 2018 this boundary fence comprised what appears to be wooden palisade fencing, or poor quality close board fencing, to a height of approximately 1.7 metres. This fence has been replaced with a close board fence. The new fence would have required planning permission.

No evidence has been provided that confirms when the new boundary fence was erected between numbers 4 and 5. The sales details for the property have been requested but these have not been provided. The sales information may establish what boundary treatments were in place at the time the current owner bought the property.

In the absence of planning permission for the new fences at the property the council must consider the expediency of taking formal enforcement action. In considering whether formal enforcement action would be appropriate the council has to have regard to the policies within the LEP16.

Policy PE1, general policy for enforcement, states that formal enforcement action will not normally be taken where a trivial or technical breach of planning control has occurred that causes no material harm or it is considered that planning permission is likely to be granted unconditionally.

In considering whether something is trivial the Council will pay particular regard to whether the site lies within a conservation area where there is a statutory duty to ensure that new development preserves or enhances the character and appearance of the area. Where unauthorised works are carried out to a listed building the Council will also have regard to whether those works adversely affect its character and appearance.

Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

It is reasonable to expect the private gardens of the properties to be enclosed to provide private amenity space. It is not unreasonable for property owners to enclose their gardens with fences. The appearance of new fences, in any setting whether urban or conservation area, can often appear as an alien feature, particularly where they form part of a boundary with a listed building.

The boundary fences are to the rear of the listed cottages, with limited public views. Due to the location of the gardens at the rear of the listed cottages the new fences are not considered to negatively affect the character, appearance and setting of the Grade II listed cottages or the wider North Warnborough Conservation Area.

Recommendation

Shed – no further action can be taken as the shed has been in situ for more than 4 years and as such is immune from enforcement action.

Fences – – where the fences have been in situ for more than 4 years, no further action can be taken. Where it cannot be conclusively established that the fences have been in situ for more than 4 years, in line with enforcement policies PE, PE3 and PE4, it would not be expedient to take further action.

5 Castle Bridge Cottages

Alleged Breach: Without planning permission the erection of 6 ft fence and the erection of a brick built shed.

Consideration

A site visit was conducted in January 2023. The visit confirmed that the alleged brick-built shed was actually a single storey extension to the property. Planning permission and listed building consent were granted in 1987, under HDC/15230 and HDC/LB/420 for a single storey rear extension. The extension as built accords with the approved plans. As such there is not a breach of planning control in this regard.

The type and condition of the boundary fences has been confirmed following visits to the adjoining properties, numbers 4 and 6. It has been established that the boundary fence between numbers 4 and 5 was replaced after 2018.

Comparing the 2018 site visit photos with those taken in January this year it is evident that the boundary fence between number 5 and 6 was in situ in July 2018. As such this fence is immune from enforcement action through the passage of time.

Recommendation

Fences – The fence has been in situ for more than 4 years therefore no further action can be taken.

Alleged brick outbuilding – this building has been found to be an approved extension to the property. As such the development is authorised and no further action is required.

6 Castle Bridge Cottages

Alleged Breach: Without planning permission the erection of 6 ft wooden boundary fences and an unauthorised glazed extension.

Consideration

A site visit has confirmed that the glazed extension that had been alleged was at number 7, not number 6. As such there is no breach of planning control in this regard.

The rear garden of the property is enclosed on all sides by wooden fencing. It has been established that the fence on the boundary between number 6 and 5 has been in situ since at least July 2018. As such it is immune from enforcement action through the passage of time. The boundary fence between number 6 and number 7

is of the same design and has weathered to the same extent. It is therefore likely that this fence is of the same age as the one that was in place in 2018.

The rear boundary fence differs from the two side boundary fences as it has a newer appearance. The council do not hold any evidence of when this fence was erected, no planning applications for fences have been submitted for any of the properties. Photo montages submitted by the planning agent for the redevelopment of land rear of Castle Bridge Cottages appears to show a different fence type at the rear of several of the properties, indicating that some rear boundary fences have been changed since that time.

In the absence of planning permission for the changes to boundary treatments there is a breach of planning control in this regard. Where the boundary fences have been in situ for more than 4 years, they are immune from enforcement action due to the passage of time. It has not been possible to conclusively establish that any of the boundary fences at the property have been in place for less than 4 years.

Recommendation

Glazed extension – this has been found to be in the neighbouring property, as such there is no breach of planning control in this regard.

Fences – where in situ for more than 4 years no further action can be taken. Where it cannot be conclusively established that the fences have been in situ for more than 4 years, in line with enforcement policies PE, PE3 and PE4, it would not be expedient to take further action.

7 Castle Bridge Cottages

Alleged Breach: without planning permission the erection of a 6-foot close boarded fence on all boundaries and the erection of an outbuilding in the rear garden.

Consideration

At the time of writing this report I have been unable to contact the owner to arrange a mutually convenient date and time to conduct a site visit, despite writing and leaving phone messages. It is possible to see the fencing, and decking which appears to have been in place for several years via an opening in an adjoining fence.

The council do not hold any evidence of when this fence was erected, no planning applications for fences have been submitted for any of the properties.

Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

It is reasonable to expect the private gardens of the properties to be enclosed to provide private amenity space. It is not unreasonable for property owners to enclose

their gardens with fences. The appearance of new fences, in any setting whether urban or conservation area, can often appear as an alien feature, particularly where they form part of a boundary with a listed building.

No evidence has been provided to confirm when the new boundary fence was erected between numbers 6 and 7. The fence appeared to be well weathered and was already partly covered by vegetation in places.

Due to the location of the gardens at the rear of the listed cottages, with very limited public views, it is considered that the wooden boundary fences do not harm the historical significance of the cottage or the wider conservation area.

Recommendation

That it is considered not be expedient to take further action.

8 Castle Bridge Cottages

Alleged Breach: without planning permission the erection of a 6-foot close boarded fence on all boundaries and the erection of an outbuilding in the rear garden.

Consideration

Following an unscheduled site visit it was noted that internal works were taking place to the chimney breast, in that bricks were being removed, the contractors informed me a wood burning stove was going to be installed.

They were advised to stop work as unauthorised works to a Listed Building is an offence under Section 88 of the Planning (Listed Building and Conservation Areas) Act 1990 (or as amended).

A further site visit was undertaken with the Councils Conservation Officer where the works to the chimney were discussed. The owners agreed to submit a Listed Building application for the works.

The small brick-built structure appears to have been in situ for several years and appears on Estate Agents details from 2018.

In relation to the original query the fence and decking at Number 8, Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

It is reasonable to expect the private gardens of the properties to be enclosed to provide private amenity space. It is not unreasonable for property owners to enclose their gardens with fences. The appearance of new fences, in any setting whether

urban or conservation area, can often appear as an alien feature, particularly where they form part of a boundary with a listed building.

No evidence has been provided to confirm when the new boundary fence was erected between numbers the properties. The fence appeared to be well weathered and was already partly covered by vegetation in places.

Due to the location of the gardens at the rear of the listed cottages, with very limited public views, it is considered that the wooden boundary fences do not harm the historical significance of the cottage or the wider conservation area.

Recommendation

Fences – where in situ for more than 4 years no further action can be taken. Where it cannot be conclusively established that the fences have been in situ for more than 4 years, in line with enforcement policies PE, PE3 and PE4, it would not be expedient to take further action.

9 CastleBridge Cottages

Alleged Breach: without planning permission the erection of a 6-foot close boarded fence on all boundaries.

Consideration

At the time of writing this report I have been unable to contact the owner to arrange a mutually convenient date and time to conduct a site visit.

The rear garden of the property is enclosed on all sides by wooden fencing. It has been established that the fence on the boundary between number 8 and 9 has been in situ since at least July 2018. As such it is immune from enforcement action through the passage of time. The boundary fences between the properties are of the same design and have weathered to the same extent. It is therefore likely that this fence is of the same age as the one that was in place in 2018.

Policy PE4, policy for unauthorised development in conservation areas, sets out that where development does not preserve or enhance the character and appearance of the area, enforcement action will be taken in accordance with the general enforcement policies in PE1.

It is reasonable to expect the private gardens of the properties to be enclosed to provide private amenity space. It is not unreasonable for property owners to enclose their gardens with fences. The appearance of new fences, in any setting whether urban or conservation area, can often appear as an alien feature, particularly where they form part of a boundary with a listed building.

No evidence has been provided to confirm when the new boundary fence was erected between numbers 8 and 9. The fence appeared to be well weathered and was already partly covered by vegetation in places.

Due to the location of the gardens at the rear of the listed cottages, with very limited public views, it is considered that the wooden boundary fences do not harm the historical significance of the cottage or the wider conservation area.

Recommendation

Fences – where in situ for more than 4 years no further action can be taken. Where it cannot be conclusively established that the fences have been in situ for more than 4 years, in line with enforcement policies PE, PE3 and PE4, it would not be expedient to take further action.

11 Castle Bridge Cottages

Alleged breach: without planning permission the erection of a tree house, fence posts, large rabbit hutches, an overground swimming pool and 6foot fence panels.

Consideration

On the 2nd May 2023 a site visit was conducted with owner present, he has been living in the property since 2018 and has not carried out any internal or external works to the property. The garden is accessed via a shared grassed path which is also used by the owners of Number 12 to access their garden.

The garden area for number 11 comprises a rectangle of grass with a shed and wood store located to the rear of the site. They were in situ when the current owner bought the property and appear to have been on site for several years. They are not fixed and could be classed as chattels. The property does not lie within its garden area and is accessed by a grass walkway which is owned by Number 11.

It was evident on the site visit that the fences, shed and wood store have been in situ more than 4 years and would therefore be immune from enforcement action.

- The overground swimming pool had been removed.
- The rabbit hutches are not considered to be development.
- The 'tree house' is in fact a wooden children's playhouse which appears to have been in place in excess of 4 years.
- The fence posts and decking are situated to the rear of the land and are not visible from the public realm.

Recommendation

The shed and wood store are not within the curtilage of the Listed property and would not have required planning permission.

It is considered not expedient to pursue enforcement action against the children's playhouse, the fence posts and decking.

12 Castle Bridge Cottages

Alleged Breach: the construction of a large timber decked area, a large timber structure and fencing.

Consideration

On the 26 April 2023 a site visit was conducted with owner present, photos taken of the property, it was noted that a satellite dish had been located to the front of the property, this was erected by the previous owner and will be removed by the new owner who has only been in the property for 4 weeks.

The garden to number 12 is accessed by a grassed path and is located to the east of the main property. In the garden area is a raised deck with a wooden covered gazebo, both appear to have been in place for several years as the wood is rotten in places.

To the rear of the garden area is a small shed, again this has been in place for a number of years as it is covered in vegetation. The fence that enclosed the garden area to the front has fallen away and will be replaced, the owner was advised that a low picket fence would be more acceptable than a close boarded fence.

It was noted that vegetation notably ivy had been removed from the guttering and walls of the property as it had become invasive. The owner asked advice about a new back door as it was rotten, i advised him to write to the Council when the time came when he wanted to replace it.

No other changes to the property have been made, the owner was advised to seek clarification from the Council before any works are carried out. It has since been noted that the satellite dish has been removed.

Recommendation

The shed and wood store are not within the curtilage of the Listed property and would not have required planning permission. No further action need be taken