

Meeting: Planning and Development Committee **Agenda Item:**

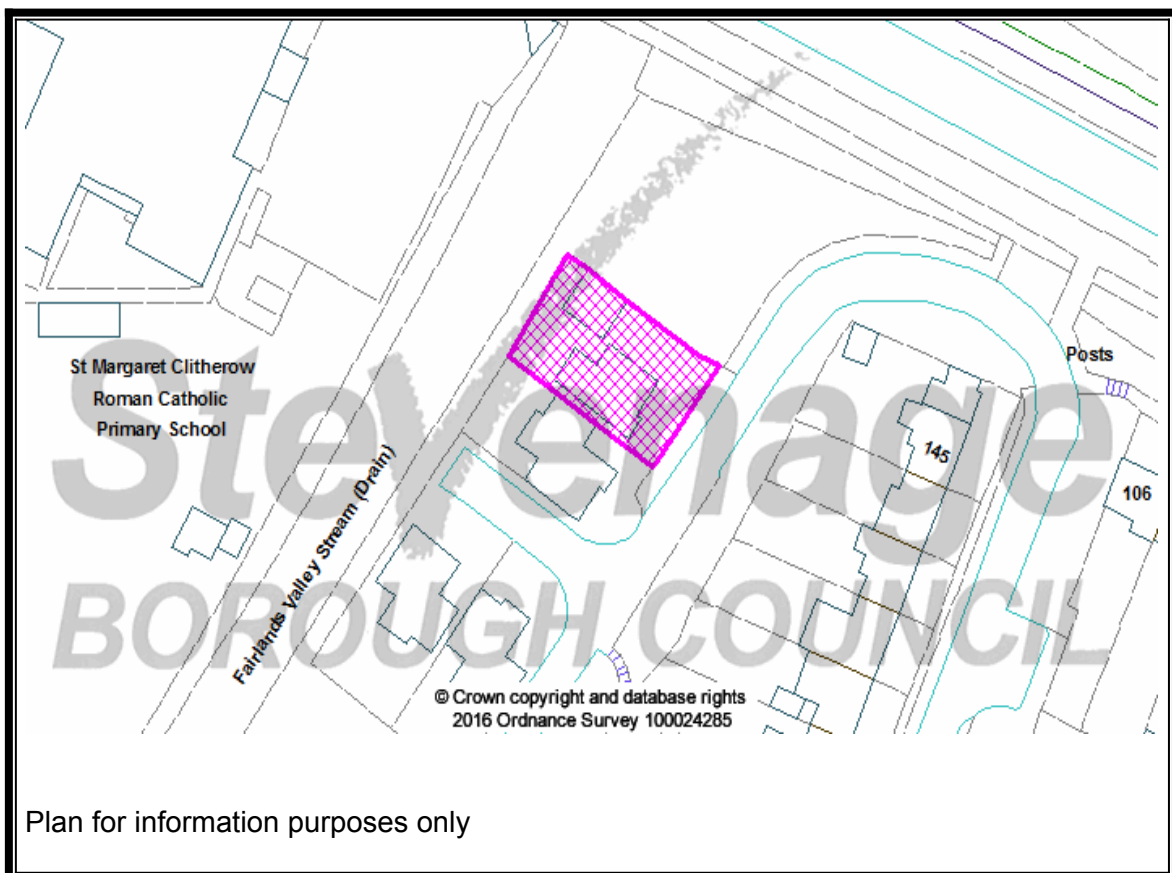
Date:

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Application No:	18/00461/ENF Related ref's 14/00581/REG3 & 15/00570/RM
Location:	4 Oakdell, Stevenage
Proposal:	Authorisation to serve an enforcement notice.
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

- 1.1 The site in question is 4 Oakdell, a detached dwelling located in a small residential estate to the south of Broadhall Way and to the west and rear of No's 129-135 Broad Oak Way. One of four properties within the road, the wider site received planning permission for redevelopment following Outline and Reserved matters applications (Ref: 14/00581/REG3 and 15/00720/RM respectively) having previously been a Council garage compound. No.4 is the first property within the site located on the right-hand side of the access road. Facing east, the property has a detached double garage and driveway to the north, and backs on to a wildlife area, forming part of the Fairlands Valley Green Link.
- 1.2 On sale of the land, the Council extended the area of land shown on the approved red line plan, to include the wildlife area up to the boundary with St Margaret Clitherow School to the west. The land does not form part of the residential boundary of the site, but is owned by the respective properties to which it abuts. Stevenage Brook dissects the wildlife area from the residential curtilage.
- 1.3 The owner has partially constructed a timber and breeze block structure to provide a bridge platform over the brook. The Structure is proposed to be covered with artificial grass and would provide an additional 100 square metres (approximate) to the rear garden area of No.4.

2. DISCUSSION

- 2.1 As approved under ref 15/00720/RM the residential curtilage of the property ends at the top bank of the brook and was delineated with a 1.2m high chicken wire fence. The approved site plan (Drawing No. 22B) clearly states the land to the north west of the red line and brook was to be maintained as a wildlife area, and under Policy EN10/6 would remain as part of the Green Link.
- 2.2 Due to the Council's land sale including land not contained within the red line plan of the approved application, the brook and wildlife site immediately to the rear of No.4 is contained within the ownership of the property, but is not residential curtilage. The Council would not deem it appropriate to allow the change of use of this land to residential garden as it would be contrary to policy and harmful to the character and amenity of the wildlife area and green link.
- 2.3 The proposed structure is large in size and whilst only partially completed, extensive in its construction with breeze blocks used to support the timber structure on the banks of the brook. The proposed completed project, an artificial grass covered platform, would domesticise this area, which outside of the residential curtilage would be visually harmful and contradicts the Council's goals to maintain the area of land as open land for wildlife purposes.

3. RECOMMENDATION

- 3.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the timber bridge structure and to reinstate the land where necessary to its original state, and re-instate the fencing along the rear boundary of

the residential curtilage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- 3.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 3.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

4. REMEDY REQUIRED

- 4.1 Within six months of the date of any Enforcement Notice served, the entirety of the timber bridge structure be removed and the land reinstated to its original state where necessary, and the fencing be erected along the rear garden boundary as approved by the approved plans forming part of planning permission ref 15/00720/RM or as otherwise agreed by the Local planning Authority.

5. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents associated with reference 14/00581/REG3 and 15/00720/RM.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.