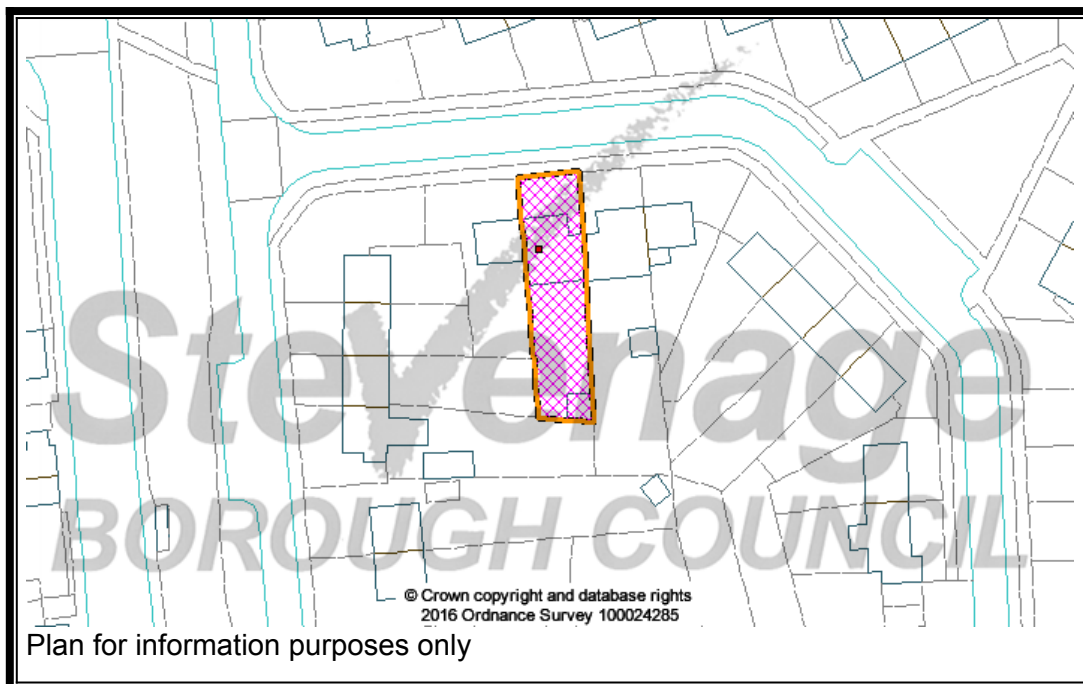


Meeting: Planning and Development Committee
Agenda Item:
Date: 6 February 2018
Author: Dave Rusling 01438 242270
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Dave Rusling 01438 242270

Application No:	17/00607/ENF
Location:	4, Burymead, Stevenage
Proposal:	Authorisation to serve an enforcement notice in respect of an unauthorised fence.
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

- 1.1 The application property is a semi-detached dwelling located on the southern side of Burymead, which is a residential cul-de-sac which forms a “loop” and is accessed from North Road. The properties in the estate comprise a mixture of two storey semi-detached and terraced properties. No.4 is a red brick dwelling which has its frontage block paved and is adjoined by No.2, the other semi to the west and to the east is No.6, which is one half of another pair of semi-detached properties. A number of the properties have their own

driveways; however, there are some on-street parking bays within the road. The estate tends to suffer from severe on street parking problems.

- 1.2 It was brought to the attention of the Council that a high fence had been erected at the front of the property. Following a site inspection, it was noted that a 1.8m high fence supported by concrete posts had been erected at the front of the property extending from the dwelling to the back edge of the footpath which runs along the front of the property, a further fence panel had been erected at 90 degrees to this fence, running parallel with the footpath.

2. DISCUSSION

- 2.1 Under Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015, the erection of a fence up to a height of 2m is classed as “permitted” development. However, there are limitations on this such that development is not permitted if the fence or means of enclosure is constructed adjacent to a highway used by vehicular traffic and exceeds 1m in height. Given this, it is clear that part of the fence is adjacent to the footpath serving Burymead, which forms part of the public highway and is higher than 1m in height. In view of this, planning permission should have been sought for the fence.
- 2.2 Having regard to the aforementioned, the owners of No.4 were contacted in writing and were advised that the fence required planning permission. Furthermore, it was advised that due to the height and position of the fence, if a retrospective planning application was to be submitted it would be likely to be refused due to the impact upon the visual amenities of the area and the implications for pedestrian and highway safety. Hertfordshire County Council as highway authority was consulted on this matter and has confirmed that it would support the Council in this regard.
- 2.3 In order, to remedy the breach, the owners were advised to either remove the last panel located perpendicular to the highway and the one parallel with the frontage, along with the supporting posts, or reduce these, i.e. fence and posts, to 1m in height. Were this to be done, the fencing would then be considered as “permitted” development and, as such, would fall outside of the control of the planning legislation. The owners were given a month to adhere to this request. At the time of drafting this report over three months has lapsed and the fence as originally erected is still in place.
- 2.4 Having regard to the aforementioned, it is considered that the existing fence and posts represent an unacceptable form of development in terms of its impact upon the visual appearance of the area and, furthermore, it results in conditions prejudicial to pedestrian and highway safety. Consequently, it is considered expedient that enforcement action be taken to remedy the breach of the planning regulations.

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 reduction in height of the last fence panel located perpendicular to the footpath and the fence panel running parallel to it along with the associated fence posts be reduced in height to 1m. 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 serving of the Enforcement Notice.

4. REMEDY REQUIRED

- 4.1 Within one month of the date of any Enforcement Notice served, the unauthorised fence panels and posts, as set out above, be reduced in height to 1m.

5. BACKGROUND DOCUMENTS

1. The application and supporting documents associated with reference 17/00607/ENF.
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 March 2012 and Planning Policy Guidance March 2014.