

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

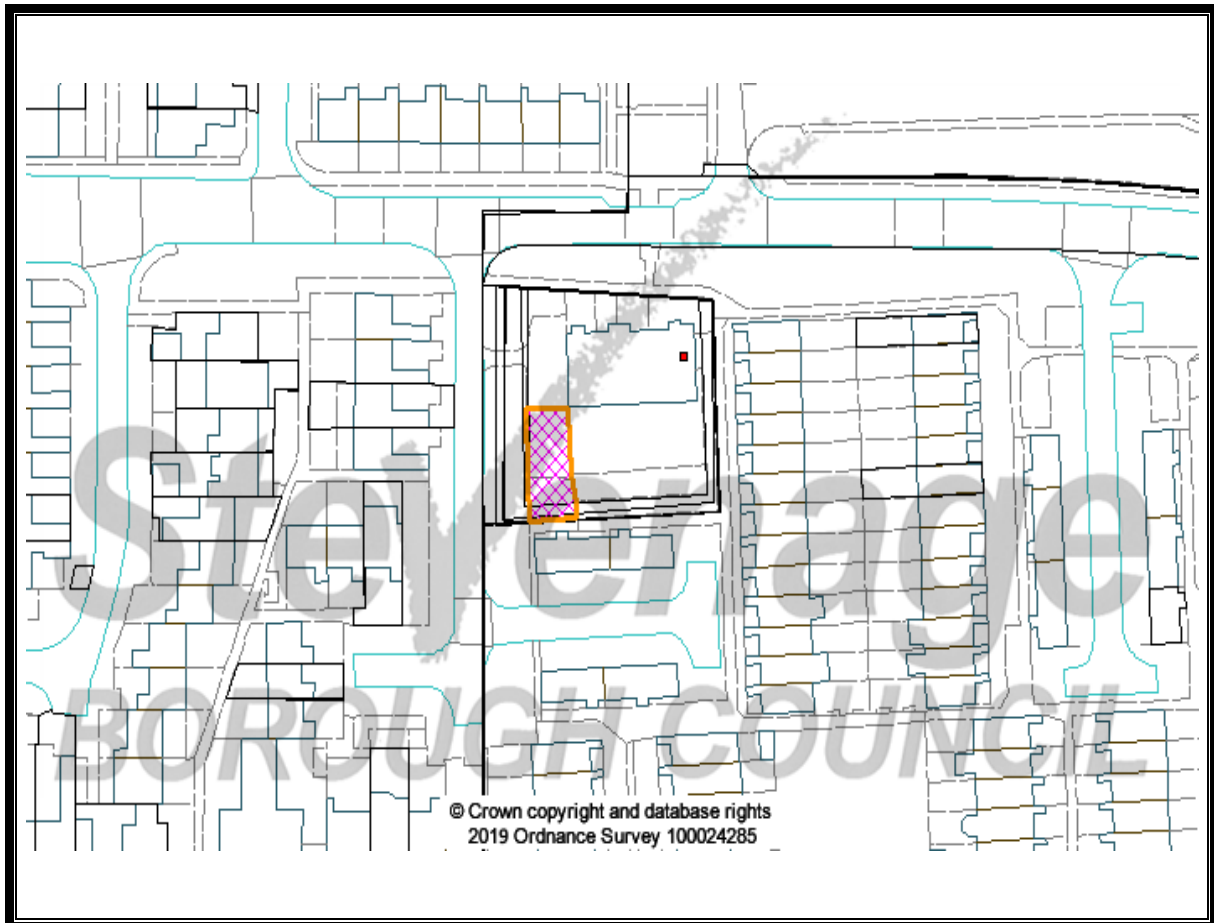
Date: Tuesday 7 September 2021

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Application No :	20/00491/ENF
Location :	Land to the side and rear of 330-336 Ripon Road, Stevenage, Herts
Proposal :	Shipping container and untidy land to the rear of the properties
Recommendation :	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

- 1.1. The site in question forms two parts, one is garden land to the rear of Nos. 330-336 Ripon Road; and the other is a private car parking area immediately adjacent the western side of No.330 Ripon Road. The land in its entirety was sold to Mr D Davies and Ms S Lavitas of Portner Law Ltd on 26 May 2016. On 24 May 2016, Mr D Davies of Elstree Property

Maintenance submitted a planning application for the conversion of the existing properties into 4no. three bedroom dwellings under planning permission reference number 16/00367/FP.

- 1.2. It was brought to our attention in September 2020 by the local Ward Councillors that a shipping container was stored on the open car park area and the rear gardens were open to public view and were overgrown, untidy and contained plant and machinery.
- 1.3. Letters have been issued to Mr Davies and Ms Lavitas at Portner Law Ltd in September 2020 and June 2021 with no replies received. Upon further investigations, it has been discovered that Mr Davies is also a registered Director of Preeya Properties and Elstree Property Maintenance, both registered to Stevenage addresses. As such, further letters have been issued to Mr Davies at all known businesses and addresses on 24 August 2021.

2. DISCUSSION

- 2.1. The land to the rear of the gardens is sectioned off from the residential curtilage of the four dwellings by 2m high close boarded fence and from the Title Deed plans obtained from the Land Registry, does not form part of the individual deed packets for the four dwellings. It remains under the deed packet for the freehold land overall.
- 2.2. This area of land has 2m high close boarded timber fencing on the northern, eastern and southern boundaries; the western side boundary is bounded with 2m high metal chain fencing.
- 2.3. The land has an untidy appearance with overgrown landscaping and is being used for the storage of what appears to be a car trailer. Owing to the chain fencing, this area of land is highly visible in the public domain and is having a detrimental impact on the visual amenities of the street scene.
- 2.4. The shipping container is stored on the privately owned car parking area, adjacent to the rear garden of No. 330 Ripon Road. The parking area has no boundary treatments and is highly visible in the public domain from a number of vantage points. The container is an incongruous form of development that has an unacceptable impact on the openness of the street scene to the detriment of the character and appearance of the area.
- 2.5. Under planning permission reference number 16/00367/FP, the creation of the four dwellings was granted permission with the requirement for 8 car parking spaces and 2 visitor parking spaces. Approved plan 5837(P)008-A shows that four spaces would be adjacent to the side elevation of No.330 and their rear garden; two spaces would be at the end of the garden; and 3 spaces would be on the grassed area to the south of the existing hardstanding area.
- 2.6. Due to the placement of the shipping container, four spaces cannot be provided and the landowner is therefore in breach of their planning permission. It is noted that the two spaces at the end of the gardens and the three spaces on the grassed area have also not been provided, thereby a further breach of planning permission.
- 2.7. The letters that have been issued to the landowner have not previously dealt with the car parking issue as the main concern was the removal of the shipping container. However, as these further breaches of planning have been discovered through the course of this

investigation, it is considered acceptable to extend the Enforcement Notice to include the car parking provision breach.

- 2.8. If the lack of car parking provision is included on the Enforcement Notice then there is no requirement to fence in the land to the rear of the properties as this land is required for two of the parking spaces.

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 shipping container and to provide the 11 car parking spaces as shown on plan 5837(P)008-A under 16/00367/FP. 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.

4. REMEDY REQUIRED

- 4.1. Within six months of the date of any Enforcement Notice served, the shipping container be removed and the land at the rear of the properties be enclosed with suitable timber fencing.

5. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Central Government advice contained in the National Planning Policy Framework (July 2021) and Planning Policy Guidance March 2014.