

**EXETER CITY COUNCIL**

**PLANNING COMMITTEE  
20 FEBRUARY 2012**

**ENFORCEMENT PROGRESS REPORT**

**1.0 PURPOSE OF REPORT**

1.1 To update Members on enforcement matters.

**2.0 CASES OPENED AND CLOSED BETWEEN 19 DECEMBER 2011 AND 30 JANUARY 2012**

Cases opened: 6

Cases closed: 23

Outstanding number of cases: 80

**3.0 NOTICES ISSUED**

3.1 ENF/11/67 – 51 Howell Road, Exeter – Enforcement Notice issued on 5 January 2012 for the construction of a dormer window extension on the rear elevation of the pitched roof.



R/O 51 Howell Road

3.2 The Notice requires the owner to:

- (a) Demolish the dormer window extension and make good the roof with materials to match the existing
- (b) Remove from the property all materials and debris formerly comprising the dormer extension

3.3 The Notice comes into effect on 10 February 2012 and gives a period of six months for compliance.

**4.0 NOTICES COMPLIED WITH**

4.1 None.

## **5.0 CURRENT APPEALS**

- 5.1 ENF/11/20 – Chunky Monkey, Weircliffe Park, St Andrew Road, Exeter – Enforcement Notice issued on 21 October 2011 for a change of use of part of the premises from industrial/workshop purposes to use as a single dwelling for residential purposes. An appeal was submitted on 30 November 2011 and is being dealt with by written representations. The Council's statement was submitted on 19 December 2011. The Inspector's decision is now awaited.

## **6.0 ENFORCEMENT APPEAL DECISIONS**

- 6.1 ENF/10/23 - 6 Florida Drive, Exeter – Enforcement Notice issued on 6 June 2011 for a change of use of land providing a visual amenity for the public benefit, to land forming part of the private garden of the dwelling. An appeal was submitted on 26 July 2011 and was dealt with by written representations. The appeal was dismissed on 24 January 2012.
- 6.2 The Inspector agreed that the area of land in question was originally laid out for public amenity purposes, being sited between the rear boundary wall at 6 Florida Drive and the line of shrubs along the back edge of the adjoining footway to the public highway. Further, he was satisfied that the area of land had been incorporated into the rear garden of 6 Florida Drive by the demolition of part of the rear boundary wall and the erection of a new fence immediately inside the line of the shrubs.
- 6.3 The Inspector went on to state that the change of use of the land from public amenity space to residential use, by its incorporation within the rear curtilage of 6 Florida Drive, amounts to development requiring planning permission. While he acknowledged the appellants claim that the Council had advised them that the erection of a fence on this land would constitute permitted development, the breach of planning control relates to the change of use of the land, rather than the erection of the fence.
- 6.4 The Inspector concluded that allowing the fence to remain in situ would not remedy the breach of planning control and that requiring its removal would not be excessive or otherwise unreasonable, and therefore, upheld the Enforcement Notice.

## **7.0 OTHER ISSUES**

- 7.1 None

## **8.0 RECOMMENDATION**

- 8.1 That this report be noted.

**RICHARD SHORT**  
**ASSISTANT DIRECTOR CITY DEVELOPMENT**

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report: none.