

**EXETER CITY COUNCIL**

**PLANNING COMMITTEE**

**23 July 2012**

**ENFORCEMENT PROGRESS REPORT**

**1.0 PURPOSE OF REPORT**

1.1 To update Members on enforcement matters.

**2.0 CASES OPENED AND CLOSED BETWEEN 30 APRIL 2012 AND 3 July 2012.**

Cases opened: 6

Cases closed: 13

Outstanding number of cases: 71

**3.0 NOTICES ISSUED**

3.1 None

**4.0 NOTICES COMPLIED WITH**

4.1 None.

**5.0 CURRENT APPEALS**

5.1 None.

**6.0 ENFORCEMENT APPEAL DECISIONS**

6.1 ENF/11/20 – Chunky Monkey, Weircliffe Park, St Andrew Road, Exeter – Enforcement Notice concerning the material change of use of part of the Premises from use for (or incidental to) industrial/workshop purposes to use as a single dwelling (with associated garden area) occupied for residential purposes. The notice was to take effect on 30th November 2011 and gave a period of 12 months for compliance. An appeal against the notice was lodged last year and was dealt with by written representations.

6.2 The appeal was decided on 26 June 2012. The Planning Inspector referred to Paragraph 14 of the NPPF which set out a presumption in favour of sustainable development. The Inspector considered the premises to be a live-work unit which in many respects was a sustainable form of development in this location. It would help to sustain a novel employment generating business, which contributes to building a strong economy whilst helping to use resources prudently and minimise waste. However he considered the development was let down by the poor design of the buildings and hence the presumption could not apply because the scheme did not accord with relevant DP design policies, which are consistent with the NPPF.

6.3 Despite this he concluded that in the absence of a conflict with other DP Policies and having regard to the needs of both the business and the family, it was appropriate to grant a temporary planning permission. This would allow

consideration to be given to an enhanced design for the building whilst safeguarding the needs of both the business and family short term.

- 6.4 The appeal was allowed subject to conditions
- i) restricting the use to the appellants for a limited period of 3 years from the date of the decision, or the period during which the premises are occupied by the appellants, whichever is the shorter;
  - ii) requiring the submission, approval and implementation of a landscaping plan ; and
  - iii) removing “permitted development rights”.

## **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.