

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 2ND OCTOBER 2017

UNAUTHORISED ERECTION OF A 39 METRE STRUCTURE ATTACHED TO
A RESIDENTIAL DWELLING

AT GOOSE EYE FARM, EYNSHAM

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Michael Kemp : (01993) 8616663)

(The decision on this matter will be a resolution)

1. PURPOSE

To enable Members to consider whether it is expedient to authorise enforcement action to secure removal of the structure.

2. RECOMMENDATIONS

That Member's authorise the issue of an enforcement notice to secure removal of the structure within 4 months of the notice coming into effect. Further, if compliance with the notice is not secured to institute further actions to secure compliance.

3. BACKGROUND

3.1 Following a site visit conducted by officers in relation to the proposed planning application for a replacement dwelling (17/00091/FUL) it has come to light that the applicants have constructed a 39 metre long structure, which is attached to the front elevation of a modest two storey dwelling, which is constructed from a mix of stone and white rendered brickwork. The structure is claimed to be an extension to the dwelling, alleged to be permissible under the provisions of Part I Class A of the 1995 General Permitted Development Order. The structure is constructed from plywood (painted white) and is devoid of external windows. The internal spaces are empty, uninsulated, poorly lit and the ground floor comprises of rubble hardstanding, as such the space would be deemed uninhabitable in its present condition. The application for the replacement dwelling (17/00091/FUL) will be considered at the Uplands Area Sub-Committee meeting held on the 2nd October 2017.

3.2 Officers for the reasons specified within the committee report for planning application (17/00091/FUL) consider that the constructed extension does not comply with the provisions of Part I Class A of the 1995 General Permitted Development Order by reason of the external appearance of the structure and by reason of the materials used in the external structure and their non-compliance with conditions A.3 (a) of Part I Class A of the 1995 General Permitted Development Order.

3.3 In considering whether it would be expedient to take formal enforcement action to secure removal of the structure, the key considerations are: the design, scale and siting of the extension, the impact of the extension on the character of the

immediate landscape setting and the developments compliance with local and national planning policy relating to the protection of the open character of Green Belts.

- 3.4 In officers opinion the 39 metre long extension represents an entirely disproportionate addition in terms of its scale and length in relation to the relatively modest original dwelling. In design terms the extension represents an incongruous addition to the property, which is devoid of any discernible domestic features and would be constructed from materials which are overtly out of keeping with those of the existing property, which is constructed from a mix of stone and rendered brickwork. There is nothing within the architectural language of the extension which would indicate that this is a domestic extension. In terms of its design, scale and external appearance the extension fails to comply with the provisions of Policies BE2 and H2 of the Existing Local Plan; Policy H6 of the Emerging Local Plan and Paragraphs 17 and 64 of the NPPF.
- 3.5 Paragraph 89 of the NPPF, which aims to restrict the construction of inappropriate new buildings in the Green Belt, is prohibitive of extensions which would result in disproportionate additions over and above the size of the original dwelling. The proposed 39 metre extension represents an addition which would clearly be disproportionate and significantly in excess of the size of the original dwelling. The extension would therefore fail to comply with the provisions of Policy NE5 of the Existing Local Plan; Policy OS2 of the Emerging Local Plan; and Paragraph 89 of the NPPF, each of which aim to protect the open character of Green Belt Land.
- 3.6 In light of the above, having considered the relevant planning policies and all other material considerations, your officers are recommending that formal enforcement action is taken by way of the issue of an enforcement notice in respect of the unauthorised extension. Your officers are of the opinion that it is expedient to progress to formal enforcement action for the reasons noted in paragraphs 3.4 and 3.5 of this report and those outlined in the officers report to members of the Uplands Planning committee made in relation to planning application 17/00091/FUL.
- 3.7 Given that enforcement action would require the land owner to remove the extension their human rights under Article 1 of the First Protocol of the European Convention on Human Rights (protection of property) must be considered. Any interference with the owner's right to the peaceful enjoyment of their possessions must be balanced against the Council's legitimate aims of acting in the public interest. The objections to the retention of the extension are serious ones and it is considered that the public interest can only be safeguarded through a requirement to remove the extension. It is considered that the public interest in protecting the environment from the effects of the development outweigh the interference with owners' rights to enjoyment of their extension.
- 3.8 The National Planning Policy Framework states that 'effective enforcement is important as a means of maintaining confidence in the planning system'. Having regard to this principle, it is considered that the enforcement action to require the removal of the 39 metre extension as recommended is an expedient and a proportionate response to the harm identified in this report.

4. ALTERNATIVES/OPTIONS

Members may consider that the harm outlined in your officers report, is not so 'significant' such that it is expedient to take formal enforcement action.

5. FINANCIAL IMPLICATIONS

None at this stage.

6. RISKS

None at this stage.

7. REASONS

See Section 3 above.

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Head of Planning and Strategic Housing

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Background Papers:

None