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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:	5
DATE OF MEETING:	13 <sup>TH</sup> JANUARY 2004	CATEGORY:	DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN PARAGRAPH NO:	N/A
MEMBERS' CONTACT POINT:	RAFE SHIRLEY (595750)	DOC:	
SUBJECT:	Unauthorised erection of detached triple garage, Rio Vista, Swarkestone Road, Weston on Trent	REF:	RMS/E2003/301
WARD(S) AFFECTED:	Aston	TERMS OF REFERENCE:	DC01

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**1.0 Reason for Exempt (if appropriate)**

1.1 Not applicable.

**2.0 Recommendations**

2.1 That the Development Control Committee take no action in the matter but advises The owner of the property of its concern at the breach of control which is now a matter of record.

**3.0 Purpose of Report**

3.1 To obtain the Committee's instructions.

**4.0 Executive Summary**

4.1 Not applicable.

**5.0 Detail**

5.1 Following a complaint, site inspections were carried out at the above location.

5.2 It was ascertained that a detached garage to replace an earlier wooden structure was in course of erection on land adjoining the highway boundary.

5.3 By virtue of the building's location, it being forward of the nearest part of the original dwelling fronting a highway, a planning application was required to authorise the work and the owner was contacted accordingly.

5.4 The owner declined to submit an application and the work proceeded, being completed in the form of a blockwork detached triple garage with a tiled roof.

5.5 A plan of the site, indicating the approximate location of the garage is attached at Annexe A.

## **6.0 Financial Implications**

6.1 None

## **7.0 Corporate Implications**

7.1 None

## **8.0 Community Implications**

8.1 None

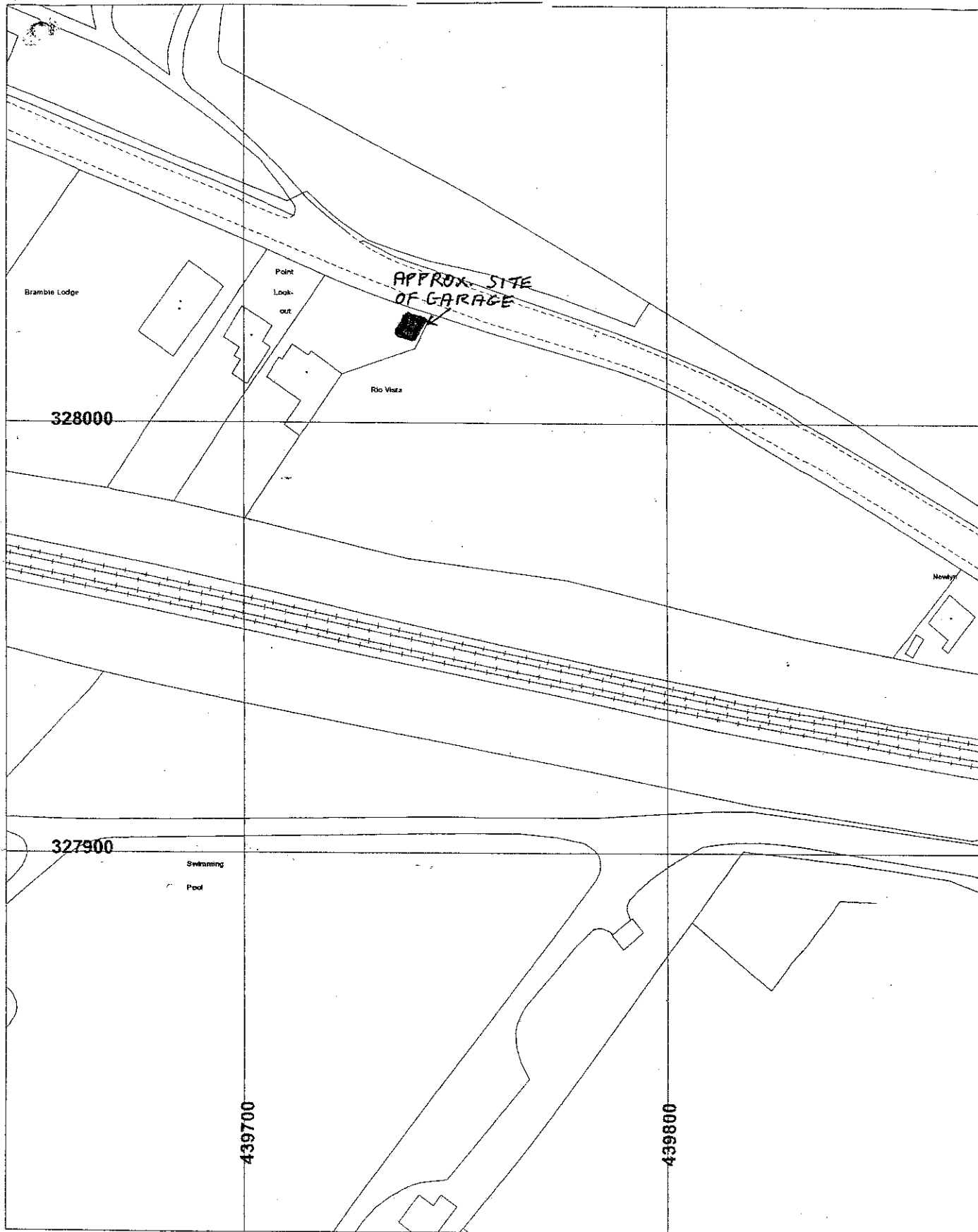
## **9.0 Conclusions**


- 9.1 The development is clearly unauthorised. However, the garage is set at a lower level than the adjoining highway and is reasonably well screened.
- 9.2 The garage has no more impact than a garage of similar size which has been erected at the dwelling next door.
- 9.3 There is evidence of a previous garage on the site and the garage is necessary to serve the host dwelling at this location.
- 9.4 The building complies with:- Joint Structure Plan: General Development Strategy Policy 4, Local Plan: Policy EV 1, Emerging Local Plan: Policy ENV 21.
- 9.5 PPG 18 on Enforcing Planning Control states that an enforcement notice should not normally be issued solely to 'regularise' development which is acceptable on its planning merits.
- 9.6 It also states that it will generally be regarded as 'unreasonable' for the Local Planning Authority to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Planning Inspectorate, that there is no significant planning objection to the breach of control alleged in the enforcement notice.
- 9.7 In the light of this it would appear that enforcement action in the matter would not be expedient but it is open to the Committee to advise the owner of its concern at the breach of control which is extant on the Council's records.

## **10.0 Background Papers**

10.1 Enforcement File E2003/301

ANNEXE 'A'



 <b>South Derbyshire District Council</b> Civic Offices Civic Way Swadlincote DE11 0AH	<b>Rio Vista</b> <b>Swarkestone Road</b> <b>Weston</b>	Date Plotted 19/9/2003  Plot centred at 439759 327954	NORTH ↑  <b>Scale 1:1250</b>
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