
REPORT TO:	Development Control Committee	AGENDA ITEM: 6
DATE OF MEETING:	17 th January 2006	CATEGORY: DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN
MEMBERS' CONTACT POINT:	R. M. Shirley	DOC:
SUBJECT:	Non-compliance with Enforcement Notice issued under Section 172 of the Town & Country Planning Act 1990 – Land and dwelling known as 124 High Street, Repton, Derby DE65 6FB	REF: RMS/E2003/273
WARD(S) AFFECTED:	Repton	TERMS OF REFERENCE: DC01

1.0 Recommendations

1.1 That the Development Control Committee authorises the Legal and Democratic Services Manager to institute an appropriate prosecution for non-compliance with an Enforcement Notice issued on 4th March 2005 under section 172 of the Town & Country Planning Act 1990 relating to land and dwelling known as 124 Main Street, Repton, Derby DE65 6FB.

2.0 Detail

2.1 The above land and dwelling has been subject to long-standing complaint with respect to its unauthorised use as a base for the operation of mini coaches and, originally, private hire cars. The private hire car aspects of the matter have ceased but the mini-coach operation remains extant.

2.2 Attempts to ascertain the extent of the operation via a Planning Contravention Notice issued in late 2003 proved unsuccessful but up to three mini coaches have been observed at the property. This scale of operation certainly constitutes a material change of use requiring the submission of a planning application. The on-street parking of these vehicles has also given rise to concern by the County Highways Department which takes the view that the regular presence of the vehicles in the highway has a detrimental effect on the free and safe flow of traffic on Main Street, which is a classified road.

2.3 An Enforcement Notice requiring the cessation of the use and the removal of the buses was issued under delegated powers on 4th March 2005. No appeal against the Notice was lodged and subsequent site inspections have revealed

that the use is persisting with continued adverse effect on traffic flow past the property.

2.6 A copy of the notice and accompanying plan is attached at Annexe 'A'.

3.0 Financial Implications

3.1 Should the Committee be minded to authorise a prosecution, certain costs may be incurred by the Council.

4.0 Community Implications

4.1 Not applicable.

5.0 Conclusions

5.1 The continued presence of the mini coaches constitutes a clear breach of the Notice.

5.2 The Committee's attention is drawn to the fact that, in itself, the use of part of the dwelling as an office to support a mini coach operation would not normally be viewed as sufficiently material to require the submission of a planning application. However, the presence of the mini coaches in the highway changes the issue to the point whereby it becomes both material and justifies enforcement action.

5.3 The office function in the dwelling gives rise to the presence of the vehicles on the highway adjacent to the property and thus adds appropriate weight to the decision to issue the Notice as does an enforcement appeal decision relating to a private hire car use at a property in Belvedere Road, Woodville. Here, in dismissing the appeal, the Inspector took the view that the presence of the vehicles had a materially adverse effect on the amenities of local residents and that the requirements of compliance were necessary and reasonable to remedy the breach of control.

5.4 It is, accordingly open to the Committee to authorise the Head of Legal and Democratic Services to institute an appropriate prosecution to secure full compliance with the Notice.

6.0 Background Papers

6.1 Enforcement File E2003/273