



# REGULATORY SERVICES COMMITTEE

# REPORT

19 July 2012

<b>Subject Heading:</b>	Planning Contravention 72 Crow Lane Romford Essex
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<b>Policy context:</b>	Local Development Framework
<b>Financial summary:</b>	Enforcement action and a defence of the Council's case in any appeal will have financial implications.

## The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns a residential property at 72 Crow Lane, Romford. In February 2012 the Planning Enforcement service received a complaint that 2 outbuildings to the rear of the property had been converted for use as independent residential living accommodation. The first outbuilding is a wooden structure, and directly

behind is a second concrete outbuilding. Each outbuilding is rented out by persons separate to the occupation of the main property at 72 Crow Lane and the use of the outbuildings is independent from the main property at 72 Crow Lane. The outbuildings have been sectioned off from the main garden with access via the rear garden. This unauthorised use is considered to be an unacceptable intensification of the land and therefore it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

## **RECOMMENDATIONS**

That the Committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice:

- Cease using the outbuildings for residential purposes.
- Remove from the outbuildings all fixtures and fittings associated with their unauthorised use for residential purposes.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 72 Crow Lane, Romford, is a detached chalet style bungalow in a street of mixed residential and industrial buildings. The rear of the house backs onto an industrial unit but has residential houses either side of it. The main building is in use as a House of Multiple Occupation (Class C4 Town and Country Planning (Use Classes) Order 1987 (as amended) and has tenants in place who have been housed by Havering Council.

### **2. The alleged planning contravention**

- 2.1 Without planning permission, the use of 2 outbuildings in the rear garden as independent, self contained residential accommodation. The alleged breach has occurred within the last 4 years.

### **3. Relevant Planning History**

- 3.1 D0156.10 - Certificate of Lawful Development for use to provide care for up to six people including staff, for people with Learning disabilities and mental health. Supported living Scheme.

D0213.10 – Certificate of lawfulness to provide care for up to six people including staff, for people with Learning disabilities and mental health. Supported living Scheme. C3(B)

Both these applications were withdrawn by the applicant and were related to the main house.

**4. Enforcement Background**

4.1 A complaint was received in February 2012 alleging that people had moved in to 2 outbuildings situated in the rear garden of 72 Crow Lane, Romford. Staff visited the site and found that the two outbuildings were occupied as self contained residential units unconnected to the main dwelling.

4.2 Access to the outbuildings is via the side path to the main house which leads into the rear garden. There is no other access to the outbuildings. The access also runs alongside the neighbouring property at No. 70 Crow Lane whose main living room windows are on the flank wall adjacent to No. 72 Crow Lane.

4.3 The owner of the property has confirmed that he has leased out these two outbuildings as separate residential units of accommodation.

4.4 This constitutes a material change of use from the authorised use as outbuildings ancillary to the main dwelling to independent self contained residential units. This change has occurred within the last 4 years. The owner has expressed the desire to submit a retrospective planning application to enable him to use the outbuildings as separate residential accommodation. Staff are of the view that planning policy and other relevant material planning consideration would not support such a proposal.

**5. Material Considerations of the Use or Development**

5.1 The unauthorised use of two outbuildings for independent living accommodation within the rear garden of No. 72 Crow Lane give rise to overdevelopment at the site having a detrimental impact on the living conditions of adjoining occupiers by reason of noise and general disturbance. The subdivision of the rear garden also provides insufficient amenity space to future occupiers of the site and there is a lack of parking or refuse storage facilities on site.

It is considered that the development is contrary to Policies, DC4, DC33, DC61 and policy DC55 of the Local Development Framework apply.

**6. Justification for intended action**

- 6.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact and nature of the unauthorised change of use. The relevant policies of the LDF are DC4, which deals with conversions to residential uses, policy DC33 that deals with parking, policy DC55 that deals with noise and policy DC61 that deals with urban design.
- 6.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. In this case it is considered that the unauthorised use of the outbuildings for independent living accommodation has led to an unacceptable intensification of the land which materially prejudices the living conditions of neighbouring occupiers. The sub division of the garden and the access path that run along the side have resulted in an unacceptable loss of privacy to the occupiers of No. 70 Crow Lane contrary to the requirements of Policy DC4.
- 6.3 Overall, the development creates substandard, living conditions, lack of amenity space, parking and refuse storage. It is inappropriate to and out of character with the neighbourhood and generates unacceptable increase in noise, general disturbance and loss of privacy for both occupants of the property and neighbouring occupiers and therefore the use is contrary to the Local Development Framework.
- 6.4 Based on the information in this report it has been regarded that planning conditions can not mitigate the adverse consequences of the breach. In these circumstances, it is considered expedient to take enforcement action.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

Enforcement action may have financial implications for the Council.

**Legal implications and risks:**

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

**Human Resources implications and risks:**

No implications identified.

**Equalities implications and risks:**

No implications identified.

**BACKGROUND PAPERS**

1. Ordnance survey extracts showing site and surroundings.