



# REGULATORY SERVICES COMMITTEE

19 July 2012

# REPORT

**Subject Heading:**

Planning Contravention  
624 Upper Brentwood Road  
Romford

**Report Author and contact details:**

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Local Development Framework

**Policy context:**

**Financial summary:**

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**

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns a retail shop in a parade at the junction of Upper Brentwood Road and Main Road. The shop has lawful Class A1 (retail) use. It is alleged that without planning permission a sales stall has been placed on the property forecourt. Although temporary and movable in appearance the stall requires planning permission given that it has never been moved and therefore must be regarded as permanent. It has recently been found that the shop has ceased trading and closed but the unauthorised stall remains in place. The permanent placing of a stall in this location detracts

from the visual amenity of the area and street scene. Given the lack of assistance and progress in this investigation it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy this breach.

## **RECOMMENDATIONS**

That the committee consider it expedient that an Enforcement Notice be issued and served to require, by 1 month:

- Remove the unauthorised structure from the shop forecourt.

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**

624 Upper Brentwood Road is a retail shop with residential accommodation above. The shop sits within a small retail parade along with a bank. The shop is on a busy road and adjacent to the traffic lights at the junction with Main Road.

### **2. The Alleged Planning Contravention**

In October 2010 the Planning Enforcement service received a complaint that a temporary structure had been placed on the forecourt of the premises, the forecourt forms part of the planning unit. The structure is a fruit sales stall that was associated with the retail use of the shop. The agent acting for the shop leaseholder stated that the stall would be moved off the forecourt at the end of each working day but this has never been the case. Although temporary and movable in appearance the stall requires planning permission given that it has never been moved and therefore must be regarded as permanent. Despite negotiations with the agent it has not been possible to resolve this matter by way of a planning application seeking the retention of the stall. It has recently been found that the shop has ceased trading and closed but the unauthorised stall remains in place

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

P0336.91 – Part change of use from A1 retail – Refused  
P1758.06 – Change of use to A3 restaurant/café – Refused – Appeal dismissed  
P1204.07 – Driveway - Refused

4. **Enforcement background**

2007 – Unauthorised ventilation ducting – Immune by age and case closed  
2007 – Alleged change of use A1 to A3 – No change of use and case closed

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

Policy DC61 of the LDF applies. Policy DC61 deals with urban design and seeks to ensure that all development is compatible with its surrounding environment.

6. **Justification for Intended Action**

The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised development.

The main issue in this case is in regard to visual appearance and impact on the street scene. In this part of Upper Brentwood Road the parade is characterised by shops being set back from the pavement with quite an extensive forecourt. This provides a characteristic open aspect to the shops. The stall adversely impacts upon this open aspect and detracts from the visual appearance of the forecourt and the parade of shops. The permanent siting of the stall is considered to have an adverse impact on the character of the streetscene. It is felt that should a planning application be submitted permission would not be granted.

It is therefore recommended that an enforcement notice be served.

**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**

*Site Plan*