

AUTHORISATION OF LEGAL / ENFORCEMENT PROCEEDINGS

File reference number: ENF/2022/235
Enactment under which proceedings to be taken: Section 172 of the Town and Country Planning Act 1990
Date of alleged breach: 20/04/2022

Details of alleged breach:

Unauthorised outbuilding

Place of alleged breach:

58 Bright Wire Crescent, Eastleigh, SO50 5SQ

Name and address of person(s) against whom action is to be taken:

Carlene Westwood & Oliver Westwood, 58 Bright Wire Crescent, Eastleigh, SO50 5SQ
ABRI GROUP LIMITED (Community Benefit Society No. 8537), Collins House,
Bishopstoke Road, Eastleigh SO50 6AD

There is an interested party in respect of this property: M&G TRUSTEE COMPANY LIMITED (Co. Regn. No. 1863305), 10 Fenchurch Avenue, London, EC3M 5AG

From a review of the file the following evidence exists of a breach of planning control:

Please see the attached photos.

- 20th April 2022 – Report received of an outbuilding being built to accommodate a dog grooming business at property.
- 22nd April 2022 – Outbuilding witnessed under construction by Local Response.
- 10th May 2022 – Retrospective planning application invited.
- 20th July 2022 – Electoral Register consulted to confirm adult occupants of property.
- 3rd August 2022 - Land Registry search conducted to confirm ownership.
- 8th September 2022 – Site visit conducted to confirm outbuilding still in place.
- 19th January 2023 – Further site visit conducted to confirm outbuilding still in place.
- 28th April 2023 – Further site visit conducted to confirm outbuilding still in place.

The breach of planning control is causing real harm as follows:

Condition 5 of Planning Consent Z/04771/124 states that *“Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (Classes A-H inclusive, of Part 1, Schedule 2), the dwellings hereby permitted must not be extended or altered and there shall be no structures erected within their respective curtilage without the prior written permission of the Local Planning Authority. Reason: In order to prevent an unplanned overdevelopment of the site, and in the interests of residential amenity”*. The outbuilding is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021).

The breach contravenes the following policies of the development plan, government guidance and supplementary policy statements:

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036)

Quality Places SPD (2011)

National Planning Policy Framework (2021)

The breach is not de minimus, the enforcement action to be taken is reasonable and it is expedient to take enforcement action because:

There are concerns the erection of the structure may set a precedent for future development (existing or proposed). A Retrospective Planning Application has been invited and the resident has refused to do so. The shed as erected is noticeably larger than sheds situated within a number of the other gardens within the estate, standing much higher than the boundary fence while others just have pitched roofing visible above boundary fence lines. The structure of the shed is creating an imposing presence at the foot of the garden space which is visually intrusive due to a combination of its height, scale and mass, as well as the materials used. The residents have advised that the shed is being used primarily for the storage of expensive tools, but present on the front of the shed are a glazed door and a large window, easily visible above the fence line and clearly visible from outside the property boundary. Additionally, the erection of this shed without the proper required planning consent risks setting a precedent for other residents to erect similar structures, and creating the kind of overdevelopment that the removal of Permitted Development rights from the development sought to avoid. Indeed, there has already been erection of an extension to the rear of the neighbouring property 59 Bright Wire Crescent which was investigated under its own Enforcement case and resolved with the submission of a retrospective planning application.

There are no human rights likely to outweigh the enforcement action proposed.

Enforcement action to be taken:

Serve Enforcement Notice.

1. Remove from the land the unauthorised outbuilding as marked in blue on the attached plan.
2. Please remove any waste items that result from the works to an authorised place of disposal.

Time for compliance: 3 Months

In accordance with the powers delegated to me under the Council's Standing Orders and in consultation with the Legal Services Manager, I, Nicholas Parker being the Planning Manager with Eastleigh Borough Council, and being satisfied that such action is appropriate, resolve that the Council institute action substantially in accordance with the terms of the attached draft notice.

Signed:

A handwritten signature in black ink, appearing to read 'N Parker', with a horizontal line underneath.

Dated: 8th August 2023

Planning Manager