



WORTHING BOROUGH
COUNCIL

Planning Committee
18 April 2018
Agenda Item 7(a)
Ward: Central

ENFORCEMENT REPORT – ADDENDUM

ALLEGED UNAUTHORISED BUILDING WORKS: LAYING OF HARDSTANDING AT PANACEA MEDICAL PRACTICE, 7a SHELLEY ROAD, WORTHING (AWEN/0132/15)

1.0 Additional Representations

- 1.1 On a without prejudice basis, a draft enforcement notice seeking to remedy the breach of planning control was sent to the complainant and the Medical Practice requesting comments prior to the meeting.
- 1.2 Various concerns were raised by both sides in connection with the draft notice and further amendments have been made to the draft notice to avoid any further legal challenge to the validity of the notice and to ensure that the notice is quite clear in terms of the necessary steps to remedy the harm caused.
- 1.3 Attached to this Addendum is the latest draft notice which clarifies the position of the proposed fence (adjacent to the boundary wall), the retention of the existing planting (rather than require new planting or the submission of a landscaping scheme) and that the parking should be ancillary to the Medical Practice.
- 1.4 It is not considered that it is reasonable to restrict the hours of use of the car park as requested by the complainant. The existing car park is not restricted and by ensuring that the use is ancillary to the Medical Practice this would naturally limit the level of use to an acceptable level in this town centre location. Furthermore it is not considered that there is a need for additional planting to address any amenity concerns caused by the use of the car park. In this respect the planting strip ensures that parking cannot take place adjacent to the boundary wall and the fence provides adequate screening of parked cars.

2.0 Recommendation

- 2.1 **The Planning Committee is recommended to authorise the service of an enforcement notice to remedy the breach of planning control as set out in the attached draft enforcement notice. The precise wording of the notice to be delegated to the Head of Planning and Development in consultation with the Head of Legal Services.**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: THE BOROUGH COUNCIL OF WORTHING

1. FORMAL NOTICE

This is a formal notice which is issued by the Borough Council of Worthing (“the Council”) because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the Town and Country Planning Act 1990 (“the Act”), at the Land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

All that land known as the Former United Reform Church, 7a Shelley Road, Worthing, West Sussex BN11 1TT (“the Land”) shown edged red on the attached Plan 1 for identification purposes only.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised change of use of a part of the Land from a D2 use to a mixed use for parking, and parking ancillary to the D1 use of a building at the Land as a clinic (health centre).

As part and parcel of and integral to the unauthorised change of use, the laying of hardstanding.

The approximate position of the part of the Land used as a parking area without planning permission is shown for identification purposes only, hatched blue on the attached Plan 2. The same area hatched blue on Plan 2 is the approximate location of the hardstanding.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

A change of use from a D2 use to a mixed use for parking, and parking ancillary to the D1 use of a building at the Land as a clinic (health centre) is a material change of use requiring planning permission. No application for planning permission has been made for that change of use and the use is therefore unlawful.

The use of the part of the Land hatched blue on Plan 2 for the parking of vehicles results in unacceptable detriment to the amenities of the neighbouring residential properties. As such, the continued use as a parking area is contrary to saved policies H18 and RES7 of the Worthing Local Plan and the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

1. (To remedy the breach of planning control). Cease the use of the part of the Land hatched blue on Plan 2 for the parking of any vehicles other than for a purpose ancillary to the D1 use of a building at the Land as a clinic (health centre).
2. (To remedy the injury to amenity caused by the breach of planning control). Erect and maintain a closed panel wooden fence of at least 1.8 metres in height in the location shown marked with a blue dashed line on Plan 3.
3. (To remedy the injury to amenity caused by the breach of planning control). Maintain the existing planting bed with a mixture of shrubs and trees with a width of [**insert current width**] metres and a length of 14.3 metres in the location shown hatched green on Plan 3.

6. TIME FOR COMPLIANCE

The period for compliance with requirements (1), (2) and (3) set out in paragraph 5 is 3 months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on [●] , unless an appeal is made against it beforehand.

Dated:

Signed:

On behalf of **THE BOROUGH COUNCIL OF WORTHING** of Town Hall Chapel Road Worthing West Sussex BN11 1HA

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be **received** by the Planning Inspectorate) **before** the date specified in in paragraph 7 of this notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.