

At a meeting of the Sustainable Development Enforcement Sub-Committee held on Thursday, 14 June 2012 at 6:00 pm in Committee Rooms 1 & 2, Civic Centre, Lampton Road, Hounslow.

Present:

Councillor Steve Curran (Vice-Chair, in the Chair)

Councillors Alan Barber, Felicity Barwood, Shantanu Rajawat and Corinna Smart

Apologies for Absence

Councillors Matt Harmer.

9. Declarations of interest or any other communication from Members

Agenda Item 10: Enforcement Update

Councillor Rajawat advised that he had been copied into correspondence between a local resident and Marilyn Smith regarding the content of the Planning Enforcement Update report.

10. Minutes of the meeting held on 17 May 2012

The minutes of the meeting held on 17 May 2012 were agreed to be a true and accurate record.

11. Monolith Tower Advertisement Structure at Dairy Crest Site, Feltham Hill Road, Feltham

See the report by the Development Control Support Manager (Agenda Item 4)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the report.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to Monolith Tower Advertisement Structure at Dairy Crest Site, Feltham Hill Road, Feltham, TW13 7ND requiring within three calendar months:

- Demolition of the unauthorised 'tower' structure;
- Removal of all resultant debris, fitments and advertisements incorporated into the structure from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) Pursuant to the provisions of Section 173A of the Town and Country Planning Act 1990, authority to withdraw the enforcement notice(s) or waive or relax any requirement of the enforcement notice(s) as required; and authority where the enforcement notice (s) has been withdrawn, to issue a replacement enforcement notice (s) in order to enforce against the breach (es) of planning control; and
- d) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein.

The motion to approve enforcement action was proposed by Councillor Barber and seconded by Councillor Smart.

12. 45 Burnham Gardens, Cranford

See the report by the Development Control Support Manager (Agenda Item 5)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the report.

Councillor Barber expressed concern that the owner of the property had previously removed the kitchen facilities in 2007 and ceased the use of the outbuilding as a residential unit following an investigation by Hounslow Council. However, once the case was closed in 2009, the owner decided to reinstall the kitchen facilities and again use the outbuilding as a separate residential unit. Councillor Barber felt that the re-installation of the kitchen facilities displayed a blatant disregard for the Council's enforcement procedures. He felt it was important that an enforcement notice should state that if at any time the unauthorised use of the outbuilding continues or that kitchen facilities are reinstalled, the owner of the property will be prosecuted and fined.

Ms Smith confirmed that it was an offence not to comply with an existing enforcement notice. She confirmed that by continuing with an unauthorised use or reinstalling a kitchen was an illegal/criminal act. She advised that the Council could then take the owner of the property to court. Ms Smith advised that enforcement notices once issued would remain valid for the property in perpetuity.

Ms Edwards, Legal Representative, advised that she did not deal with prosecutions and was not familiar with the Council's practices with respect to whether the enforcement notice would be removed from the register or remain extant. Ms Edwards stated that if the enforcement notice did not remain extant then it would not run in perpetuity and she advised that once a resident had complied with an enforcement notice, the Council could not prosecute the resident again for carrying out the same breach at a later date. In that case, she understood that a new enforcement notice for the new breach of planning control would be required. Ms Edwards advised, in appropriate cases and for persistent offenders the Council could also

apply to the court for injunction.

The Chair requested that Officers confirm at the next meeting whether, once issued, an enforcement notice remained live on a property forever or whether a new notice was required every time a breach was reinstated.

Councillor Barber emphasised that if the enforcement notice did not remain extant and run in perpetuity, it was imperative that the Council sought to impose an injunction to prevent the offenders from persistently breaking planning rules.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to 45 Burnham Gardens, Cranford requiring within three calendar months:

- Cease the use of the outbuilding as a separate self-contained residential unit;
- Removal of the kitchen and all kitchen related facilities from the outbuilding;
- Removal of all resultant debris from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein. [A replacement enforcement notice is an enforcement notice issued following action taken pursuant to s.173A of the Town and Country Planning Act 1990, namely the withdrawal of the enforcement notice or the waiving or relaxation of any of its requirements].

The motion to approve enforcement action was proposed by Councillor Barber and seconded by Councillor Smart.

13. 49 Burnham Gardens, Cranford

See the report by the Development Control Support Manager (Agenda Item 6)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the report.

Councillor Barber noted that this case was very similar to the previous case. Therefore, he felt that again if the enforcement notice did not remain extant and run in perpetuity, it was vital that the Council sought to impose an injunction to prevent the persistent offenders from breaking planning rules.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to 49 Burnham Gardens, Cranford requiring within three calendar months:

- Cease the use of the outbuilding as a separate self-contained residential unit;
- Removal of the kitchen and all kitchen related facilities from the outbuilding;
- Removal of all resultant debris from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein. [A replacement enforcement notice is an enforcement notice issued following action taken pursuant to s.173A of the Town and Country Planning Act 1990, namely the withdrawal of the enforcement notice or the waiving or relaxation of any of its requirements].

The motion to approve enforcement action was proposed by Councillor Barwood and seconded by Councillor Smart.

14. 138 Cranford Lane, Heston

See the report by the Development Control Support Manager (Agenda Item 7)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the

report.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to 138 Cranford Lane, Heston requiring within three calendar months:

- Cease the use of the outbuilding as a separate self-contained residential unit;
- Removal of the kitchen and all kitchen related facilities from the outbuilding;
- Removal of all resultant debris from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein. [A replacement enforcement notice is an enforcement notice issued following action taken pursuant to s.173A of the Town and Country Planning Act 1990, namely the withdrawal of the enforcement notice or the waiving or relaxation of any of its requirements].

The motion to approve enforcement action was proposed by Councillor Smart and seconded by Councillor Barber.

15. 35 Barrack Road, Hounslow

See the report by the Development Control Support Manager (Agenda Item 8)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the report.

The Chair advised that Hounslow Council had been awarded a grant for £280,000 as part of the Governments National Task Force on "living in outbuildings" initiative. He advised that a task group would be created within Hounslow to look into the issue of illegal dwellings within the Borough. A multi-agency approach would be adopted to stop the use of illegal dwellings

within the London Borough of Hounslow.

Councillor Barber welcomed the creation of a task force to tackle the problem of illegal outbuildings. He stated that he would welcome the opportunity to go out on site with LBH enforcement officers to gain a better understanding of the difficulties faced by the enforcement team.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to 35 Barrack Road, Hounslow requiring within three calendar months:

- Cease the use of the outbuilding as a separate self-contained residential unit;
- Removal of the kitchen and all kitchen related facilities from the outbuilding;
- Removal of all resultant debris from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein. [A replacement enforcement notice is an enforcement notice issued following action taken pursuant to s.173A of the Town and Country Planning Act 1990, namely the withdrawal of the enforcement notice or the waiving or relaxation of any of its requirements].

The motion to approve enforcement action was proposed by Councillor Rajawat and seconded by Councillor Barber.

16. 88 Saxon Avenue, Hanworth

See the report by the Development Control Support Manager (Agenda Item 9)

Marilyn Smith, Development Control Support Manager, highlighted the main points in the report.

Members voted unanimously in favour of the officer's recommendation for enforcement action to be taken.

Resolved:

1.1 That the Committee considered it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice(s) in relation to 88 Saxon Avenue, Hanworth requiring within three calendar months:

- Cease the use of the side extension as a separate self-contained residential unit;
- Removal of the kitchen and all kitchen related facilities from the side extension;
- Removal of all resultant debris associated with the unauthorised use from the premises.

And for:

- a) The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice(s), pursuant to Section 179 of the Town and Country Planning Act 1990
- b) The carrying out of works in default under Section 178 of the Town and Country Planning Act 1990 in the event of non-compliance with the enforcement notice, including the recovery of the Council's costs in carrying out such work; and
- c) So as to ensure that the allegations and requirements in the enforcement notice (s) or replacement enforcement notice(s) accurately reflect (and/or take account of any material changes in) the use or development of the land occurring before service of the said notice(s), authority to amend, supplement and/or delete the allegations and the requirements set out in the Recommendations herein. [A replacement enforcement notice is an enforcement notice issued following action taken pursuant to s.173A of the Town and Country Planning Act 1990, namely the withdrawal of the enforcement notice or the waiving or relaxation of any of its requirements].

The motion to approve enforcement action was proposed by Councillor Rajawat and seconded by Councillor Smart.

17. Update Report

See the report by the Development Control Support Manager (Agenda Item 10)

Marilyn Smith presented the enforcement progress report. She advised that pages 50-54 of the report listed the number of enforcement cases presented to Committee over the last year. She advised that the number of outstanding cases was being reduced slowly. The number of cases made up for investigation was just under 50 and the team were trying to close more than that each month to reduce the overall numbers of open cases.

Ms Smith advised that she had received emails from two residents that had expressed concern about the figures within the report. She advised that there was a small discrepancy in the figures and she explained that previously all enforcement cases were recorded on the

Flare database. Since October 2011 any new enforcement cases were logged onto the I-Plan database. She explained that unfortunately there had been some delays in migrating the data from one system to the other which resulted in duplication of some data.

However, Ms Smith advised that cases created prior to October 2011 were also logged onto an excel spreadsheet, which was used to generate monitoring figures. She emphasised that they were working hard to migrate all of the data onto one system so that accurate monitoring of cases closed could be made for the future. Ms Smith emphasised that after a year it had become clear to see that more cases were being closed than opened each month.

Ms Smith advised that in terms of reporting the figures in future, she would start with a clean sheet and start reporting the figures from the date of the last meeting, 17 May 2012 and onwards.

Councillor Barber advised that the West Area Committee had requested a quarterly update regarding enforcement progress. He felt it would be encouraging to present an update about the positive being done by the enforcement team and enforcement committee. The Chair agreed that it would be useful to have a quarterly progress update for each of the Area Committees.

Councillor Barber questioned whether it would be useful to target individual wards that appeared to have a higher number of enforcement cases coming in. The Chair advised that the task group team would be exploring the issue and would target certain areas that had higher levels of enforcement cases.

Councillor Barwood suggested that it would be useful to publish an enforcement progress report in Hounslow Matters magazine. She suggested that publicising the successful work of the enforcement teams would act as a deterrent to residents thinking of building illegally or letting-out illegal outbuildings as residential units. Councillor Barber did not feel there would be any merit in publicising the actual enforcement figures as he felt that they would not necessarily mean anything to someone that was planning to build something illegally. However, he agreed with Councillor Barwood's suggestion that a page in Hounslow Matters publicising the type of planning works that required planning permission would be useful. He suggested that the publicity should emphasise that residents should contact the Council to get proper advice before building or extending on their property. The Chair agreed that publicity would be useful to educate residents.

Resolved –

- a) That Members agreed that a new update list should begin from 17 May 2012.
- b) That Members requested a quarterly enforcement progress report to be presented to the Area Committees
- c) That Members requested that there be an article or advertisement in Hounslow Matters advising residents about the work of the enforcement teams and reminding residents to contact the Council before carrying out any works to their property.
- d) That the report was noted.

18. Planning Enforcement Function

See the report by the Development Control Support Manager (Agenda Item 11)

Ms Smith presented the report and advised that the report updated a report presented to the Committee last year. The report provided updates in legislation and the National Planning

Policy Framework.

The Chair noted that there were a couple of typing errors within the report that needed to be rectified.

It was agreed to bring the report back to the next committee meeting to allow Members to have a fuller discussion before considering the recommendations within the report.

Resolved –

That the report was deferred to the next meeting to allow the Committee to have a more detailed discussion.

19. The date of the next meeting is 5 July 2012

The date of the next meeting was noted.

20. Addendum Report - published 14 June 2012

An Addendum Report was issued with more information on the following items:

- Item 4: Monolith Tower Advertisement Structure, Dairy Crest Site, Feltham Hill Road, Feltham.
- Item 9: 88 Saxon Avenue
- Item 10: Enforcement Progress Report

Resolved –

That the Addendum Report, circulated to Members, was noted.

The meeting finished at 6:45 pm.