

Enforcement List Item 1

Case No. ENF/14/00177/UDUR

Grid Ref: 301978 107090

Address:

11 New Street, Cullompton, Devon, EX15 1HA (as outlined in black on the attached site plan).

Alleged Breach:

Unauthorised development namely the installation of a satellite dish on the front elevation facing New Street within the Conservation Area of Cullompton contrary to Section 171A(1) of the Town and Country Planning Act 1990 (as amended).

Recommendations:

To delegate authority to the Legal Services Manager to take legal action to include the service of an Enforcement Notice or Notices which would require that the unauthorised satellite dish is removed. In the event of a failure to comply with any Enforcement Notice or Notices the consideration of prosecution proceedings, the issue of Injunction proceedings, or Direct Action.

Site Description:

11 New Street, Cullompton, is an end terraced residential property situated within the Cullompton Conservation Area and covered by an Article 4 Direction. The dwelling is situated on the north eastern side of New Street. New Street is quoted within the Conservation Area Appraisal as having special architectural interest in that the properties are typical artisan cottages with an appearance of a densely developed continuous frontage.

Site Plan:



Site History:

83/00040/FULL Alterations by means of raising existing eaves and ridge to provide bathroom and bedroom Approved

Development Plan Policies:

National Planning Policy Framework

Paragraph 131- requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage, the positive contribution that heritage assets can make to sustainable communities including their economic vitality.

Paragraph 132- requires that weight be given to the conservation of a designated heritage asset when considering the impact of proposed development on its significance, noting that significance can be harmed or lost through alteration.

Mid Devon Core Strategy (Local Plan 1)

COR2- seeks to achieve development that sustains the quality, character and diversity of Mid Devon's environment assets through high quality design and preserves or enhances the areas cultural and historic environment.

Mid Devon Local Plan Part 3 (Development Management Policies)

DM/27 - requires that development including alterations affecting heritage assets (in this case a designated conservation area) should consider their significance, character, setting and local distinctiveness together with opportunities to enhance them. Harm should be weighed against public benefit.

Reasons/Material Considerations:

In December 2014 a complaint was received in relation to the installation of a satellite dish on the property. A site visit confirmed the placement of a satellite dish on the front elevation facing the highway, (photo) within the Conservation Area of Cullompton which is also now covered by an Article 4 Direction. In most cases the installation of a satellite dish on a residential property would be considered as permitted development under the provisions of Class H of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. However this type of development is not permitted in the case of the erection of a satellite dish on a property within a Conservation Area **if** the installation is on the front elevation and visible from the highway.

Correspondence has been forwarded to the owners of the property who have not responded. Repeated calls at the property have failed to identify who occupies the property.

The opinion of the Senior Planning Officer (Design and Conservation) has been sought which is as follows:

"The retention of a satellite dish on the front elevation of 11 New Street would be contrary to Mid Devon Local Plan Part 3 (Development Management Policies) DM/27, Mid Devon Core Strategy (Local Plan Part 1) COR2 and National Planning Policy Framework (NPPF) Paragraph 131 and 132 in that it would detract from the particular sensitivities of New Street which is one of the oldest (complete) residential streets with a notably unspoilt linear character".

Views along this street are important and satellite dishes erected on front elevations are particularly prominent, and therefore spoiling the otherwise clean lines of the terraces. Your officers would resist any application to retain this satellite dish as it would be difficult to object to future applications, thereby resulting in an adverse cumulative effect.

"As a result of the above a retrospective application to retain the satellite dish in its current location would be recommended for refusal"

The unauthorised satellite dish has not been in place for more than 4 years.

Human Rights and Equality Issues:

Any enforcement action could be considered to affect the land/property owners' human rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the Local Planning Authority feels it is pursuing a legitimate aim in seeking compliance with the Town and Country Planning Act 1990 so as to prevent demonstrable harm in the interests of acknowledged importance and protect the environment. The current unauthorised satellite dish is also felt to be contrary to the policies referred to earlier in this report and that the action proposed would not have any detrimental effect on the above human rights of the property owner or occupier.

Options for action or remedy:

The list of options available is as follows:

Take no action:

A no action option is not thought to be appropriate in these circumstances as the unauthorised development is in conflict with policies and could not be addressed by way of a conditional grant of planning permission.

Formal enforcement action

To issue and serve an Enforcement Notice to require that the unauthorised satellite dish is removed.

Reasons for Decision:

As detailed in Material Considerations section.

Steps Required:

Remove the unauthorised satellite dish from the front elevation.

Period for Compliance:

3 months after the date on which the Notice takes effect.