

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>Planning, Regulatory &amp; General Licensing Committee</b>
<b>Report Subject</b>	<b>Enforcement Appeal Update: 7 Brynawel, Brynmawr</b>
<b>Report Author</b>	<b>Planning Compliance Officer</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>01<sup>st</sup> October 2020</b>
<b>Date Signed off by Monitoring Officer</b>	

### **Report Information**

#### **1. Purpose of Report**

To advise Members of the decision of the Planning Inspectorate in respect of an appeal against the serving of an Enforcement Notice. The notice was served in respect of unauthorised decking at 7 Brynawel, Brynmawr

The requirements of the Notice were:

- i. Remove the unauthorised structure in its entirety.

The time period for compliance with the notice was:

- i. 3 months from the date the Notice takes effect

The notice was issued on 30<sup>th</sup> January 2020 and took effect on 2nd March 2020.

An appeal was lodged on 20<sup>th</sup> February 2020.

## 2. Scope of the Report

The breach of planning consists of the erection of unauthorised timber decking to the rear of the property.

The reason for issuing the notice was to remove the timber decking as it has an unacceptable impact on the amenity of the occupiers of the adjacent property by means of overlooking. Furthermore part of the decking has been erected on land which falls outside the residential curtilage of the property, outside of the settlement boundary and within a Special Landscape Area (SLA) where there is a strong presumption against inappropriate development. As such, the rear most part of the decking is unacceptable in land use terms.

Accordingly the development does not comply with Policies DM1(2c) and SB1 of the adopted Blaenau Gwent Local Development Plan (2012).

The owner appealed the notice on ground (b) i.e. that the matters specified in the EN have not occurred as a matter of fact. The Inspector determined that the timber decking has been erected and remains in situ and as a result the matters alleged have occurred therefore this ground of appeal must fail.

The Inspector noted that the decking appears to project 1 metre beyond the rear boundary of the adjoining dwellings. The appellant disputes this and made representations claiming this land has always been part of the residential curtilage. However the enforcement notice relates to operational development only i.e. the decking and matters concerning a change of use of land could not be considered as part of this appeal.

As a result the appeal on ground (b) is therefore **DISMISSED** and the enforcement notice is upheld.

The owner has since been contacted to highlight the requirements and compliance date of the enforcement notice and a request made to confirm his intentions with the matter.

## 3. Recommendation/s for Consideration

1. That Members note for information, the appeal decision for Enforcement Notice CO/2019/00052 as attached at **Appendix A**.