

Planning Committee

ENFORCEMENT APPEAL DECISIONS

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number

Appeal Site

Former Bayly's Yard, Bayly's Road, Oreston, Plymouth, PL9 7NQ

Appeal Proposal

Planning Enforcement Notice against unauthorised slipway

Appeal Category

Planning Enforcement Notice

Appeal Type

Appeal Decision

Appeal dismissed and planning enforcement notice upheld.

Appeal Decision Date

04 May 2011

Conditions

Award of Costs

No

Awarded To

Appeal Synopsis

A planning enforcement notice was issued on 13 August 2010 in respect of a slipway that was being constructed at a commercial boatyard at Bayly's Road, and which differed very significantly to a slipway that had been given planning permission by the Council in 2003 (Notice 02/01767/FUL). The slipway has been constructed in an unusually piecemeal way over several years, and neighbours objected that this differed from the approved scheme, and was not being constructed in the approved position to the significant detriment of their own properties. The owner of the slipway had been warned on several occasions that he should not proceed with the unauthorised development, and in 2008 a planning application seeking approval for the development under construction was refused (Notice 08/00801/FUL).

No appeal was lodged against the refusal of application 08/00801/FUL, and as a last resort a planning enforcement notice was issued on the owner. The owner appealed against the planning enforcement notice and argued that the development under construction was not materially different in terms of its impact than the scheme approved in 2003. The Planning Inspector has disagreed, however, and has supported the Council's view that the development is harmful to the appearance of the locality, and has eroded a significant area of inter-tidal and sub-tidal land, which has adverse implications for this sensitive, unique, and specialised habitat and the species that depend on it.

The owner of the slipway has been given 9 months to either remove the unauthorised slipway or substantially modify it to accord with the 2003 approved scheme. Failure to do one or the other, by the expiry of this period, will constitute an offence in law.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.

Planning Committee

ENFORCEMENT APPEAL DECISIONS

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number

Appeal Site

83-85 Citadel Road, The Hoe, Plymouth, PL1 2QS

Appeal Proposal

Planning Enforcement Notice against unauthorised second floor extension

Appeal Category

Planning Enforcement Notice

Appeal Type

Appeal Decision

Appeal dismissed and planning enforcement notice upheld.

Appeal Decision Date

15 April 2011

Conditions

Award of Costs

No

Awarded To

Appeal Synopsis

A planning enforcement notice was issued on 21 July 2010 in respect of an unauthorised second floor extension that has been constructed above a Grade II Listed Building at the junction of Athenaeum Street and Citadel Road, within the Hoe Conservation Area.

The owner of the building applied for planning permission for a second floor extension in 2009 (09/00286/FUL) but the application was refused because of concerns about the appearance of the proposed extension, and its impact on the Conservation Area. However, in the meantime work had commenced on building an extension, which differs slightly from the refused scheme, but which was considered to be similarly unacceptable.

No appeal was lodged against the refusal of application 09//00286/FUL, and the owner declined to remove the unauthorised development. As a last resort a planning enforcement notice was issued on the owner. The owner appealed against the planning enforcement notice and argued that the development as constructed was compatible with the appearance and listed status of the building and the Conservation Area. The Planning Inspector has disagreed, though, and has supported the Council's view that the development is harmful to the appearance of the locality, and detrimental to the listed status of the building.

The owner of the extension has been given 6 months to remove the unauthorised extension. Failure to do so, by the expiry of this period, will constitute an offence in law.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.