



## Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR OF PLACE AND COMMUNITIES, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

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**ENFORCEMENT REFERENCE:** 23/00176/UNDEV

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**ADDRESS:** Three Ridings, Radford Lane, Wolverhampton WV3 8JT outlined in red on the plan (“the Plan”) attached to the notice; (referred to as “the Land”)

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### **BREACH OF PLANNING CONTROL:**

Without planning permission, the construction of a blue clad, mono pitched roof, single storey building (“the Building”) to the front of the principal elevation of the original dwellinghouse on the Land in the approximate position shaded blue on the Plan.

### **SITE DESCRIPTION:**

The Land is a long and spacious plot, situated on the western side of Radford Lane. The original dwellinghouse is set back approximately 40m from Radford Lane itself, forming part of a linear group of detached dwellings which upholds a strong building line to this stretch of Radford Lane.

A detached garage was constructed to the front of the original dwellinghouse, set back 4.8m from the footpath of Radford Lane and 7.9m from the road itself.

### **RELEVANT PLANNING HISTORY:**

Planning application 21/00595/FUL for the “Detached garage” was withdrawn after the agent was informed the application was due for refusal.

Planning application 23/00994/FULHH for “Retrospective application for detached garage” was refused.

### **CASE SUMMARY:**

On 6 July 2023, the Council received a complaint that there was a large structure erected to the front of the dwelling. Photos were provided.

On 18 July 2023, a Council Officer was driving past the Land en route to other site visits and noticed a large outbuilding erected to the front of the dwelling being close to completion. Photos were taken and provided to Planning Enforcement.

On 5 September 2023, a Council Officer sent an email to the property owner of the Land, noting that an unauthorised garage was constructed in the front garden of the Land. The property owner was informed that the garage was highly unlikely to be approved, even with a retrospective planning application. The Council Officer requested that the property owner confirm the date on which works would commence for the demolition of the garage.

On 24 October 2023, as the initial email to the property owner was not responded to, a Council Officer sent a second email requesting a response by 3 November 2023.

On 2 November 2023, a planning agent responded to the above-noted email, informing the Council that the property owner intended to submit a retrospective planning application for the garage.

On 29 November 2023, planning application 23/00994/FULHH for “Retrospective application for detached garage” was validated. The application noted that development commenced on 1 May 2023 and was completed on 1 November 2023.

On 22 January 2024, planning application 23/00994/FULHH was refused.

On 8 February 2024, an email was sent to the planning agent for application 23/00994/FULHH requesting an update on how the property owner intended to proceed with the unlawful development, with a deadline of 19 February 2024 to respond.

On 19 February 2024, as no response had been received an email was sent to the planning agent extending the response time through 29 February 2024.

On 29 February 2024, the planning agent responded via email, noting that the property owner intended to appeal the refusal of planning application 23/00994/FULHH.

On 11 April 2024, the enforcement case was reallocated to Emma Posillico.

15 April 2024 marked twelve weeks from the date of the decision notice for application 23/00994/FULHH. This was the deadline to submit an appeal for a householder application to the Planning Inspectorate.

On 8 May 2024, Emma Posillico notified the planning agent that as the deadline for submitting a householder appeal had passed, the Council would begin preparing an Enforcement Notice for removal of the building.

#### **POLICY CONSIDERATIONS:**

South Staffordshire Adopted Core Strategy 2012

Policy EQ11: Wider Design Considerations Policy

Adopted Supplementary Planning Document  
South Staffordshire Design Guide 2018

National Planning Policy Framework (NPPF) 2023  
Chapter 12: Achieving well-designed and beautiful places

**REASONS FOR ISSUING THE NOTICE:**

- (i) It appears to the Council that the above breach of planning control has occurred within the last 4 years and is not time immune from enforcement action.
- (ii) The Building by reason of its size, scale and prominent location in front of the existing dwelling and beyond the established building line within the immediate area, is an incongruous and intrusive form of development that fails to contribute positively to the street scene. The Building is detrimental to the character and appearance of the area and street scene, contrary to Policy EQ11 of the South Staffordshire Core Strategy, Design Guide SPD and Paragraph 135 of the NPPF (2023).
- (iii) The Council consider that planning permission should not be given and refused planning permission for the unauthorised development on the 23rd of January 2024 for application 23/00994/FULHH, because planning conditions could not overcome these objections to the development.

**STEPS TO BE TAKEN:**

- (i) Remove the Building in its entirety including any foundations or concrete slabs;
- (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land; and
- (iii) Remove from the Land all materials arising from compliance with i) and ii) above.

**PERIOD FOR COMPLIANCE:**

The period for compliance with steps 5 (i) (ii) and (iii) is six (6) months from the date this notice takes effect.

**EXPEDIENCY OF ENFORCEMENT ACTION:**

Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest.

A breach in planning control has taken place involving the construction of a building to the front of the principal elevation of the original dwellinghouse at Three Ridings without planning permission. Planning application 23/00994/FULHH was refused and the time period for submitting an appeal of a householder planning application has since expired.

The property owner and their planning agent have provided no indication that they intend to remove the building from the Land. This leaves the Council with little alternative but to take enforcement action to protect and restore the character and appearance of the area and street scene. As such, it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

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**CASE OFFICER DECLARATION:**

I hereby declare that I have adhered to the Council’s Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to South Staffordshire Council’s Planning Policies, the National Planning Policy Framework, and to the Government’s Enforcement and post-permission matters guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**CASE OFFICER:** Emma Posillico

**POSITION:** Senior Planning Enforcement Officer

**DATE:** 28 May 2024

**Signed:**

*Emma Posillico*

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**LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council’s Planning Policies](#), the [National Planning Policy Framework](#), and to the Government’s [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached

notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**NAME:** Catherine Gutteridge  
**POSITION:** Planning Enforcement Team Manager  
**DATE:** 05.06.2024

Signed: 

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**DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

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**NAME:** Tom Nutt  
**POSITION:** Assistant Team Manager  
**DATE:** 05.06.2024

Signed: Tom Nutt

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**LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:**

**DECLARATION:**

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.



# South Staffordshire Council

## Planning Enforcement

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**NAME:** Pardip Sharma

**POSITION:** Solicitor

**DATE:** 13.06.24

**Signed:** Pardip Sharma

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### **AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:**

### **DECLARATION:**

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director of Place and Communities

**DATE:** *Annette Roberts*

**Signed:** 15/6/24

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