

EC11/0117 – 2 MAES Y BONT, MYNACHLOGDDU

Background

1. In June 2011 it was brought to the attention of this Authority that a breach of planning control involving the sub-division of a single dwelling house into two separate units of accommodation may have taken place at 2 Maes y Bont, Mynachlogddu.
2. Following on-going investigations by this Authority with a view to resolving this issue, Planning Contravention Notices were issued on 15th November 2012 addressed to the owner and to the occupants of the above property. These Notices were hand delivered by this Authority's Enforcement Officer on 16th November 2012. The Planning Contravention Notices were to be completed by the recipients and returned to this Authority within 21 days from the date that they were served.
3. The Planning Contravention Notice served on the owner of the property was not returned to this Authority. As a result, this Authority wrote to the owner on 19th December 2012 enclosing a further copy of the Planning Contravention Notice for his/her completion and requesting that it be completed and returned within 14 days from the date of that letter. He was also reminded it was an offence to not return the notice which was answerable to in the Magistrates' Court.
4. The Planning Contravention Notice was still not returned to this Authority. A further letter dated 8th March 2013, was sent to the owner concerning the non-return of the Planning Contravention Notice informing him that the matter would be reported to the this Authority's Development Management Committee, with a recommendation to commence prosecution proceedings in the Magistrates' Court for the non-return of the Planning Contravention Notice.
5. At the time of writing this report, the Planning Contravention Notice has still not been returned to this Authority.
6. A similar report was made to this Committee in October 2011 whereby the owner had failed to return a Planning Contravention Notice that had been served on him during earlier investigations. At that meeting it was resolved to instruct solicitors to commence prosecution proceedings in the Magistrates' Court for the non-return of the Planning Contravention Notice. Prosecution proceedings were commenced by solicitors acting for this Authority and a court date was set. However, prior to that court date, the owner returned the Planning Contravention Notice and also agreed to pay the costs that had been incurred by the prosecution proceedings which amounted to £900 (inclusive of VAT) at that time. These costs were paid in full.

7. The serving of a second Planning Contravention Notice was considered necessary by this Authority as evidence suggests that a breach of planning control is continuing at the above property.
8. This Authority has written to the owner asking if there are any representations he wishes to put before Members and I will report any response received to committee.

Planning History

- NP/05/118 - Extension to include garage.

Analysis

The information required in a Planning Contravention Notice is to enable the Local Planning Authority to gather information with regard to an alleged breach and to ascertain whether it is expedient to take any further action.

In this particular case, following investigations by your officers, evidence suggests that there is a breach continuing at this property (ie the creation of two separate units of accommodation without planning permission). It is considered that the creation of two units of accommodation is a serious breach of planning control and that in the wider public interest the matter should be pursued. The collection of information through the formal Planning Contravention Notice enables any action to be taken with regard to full information, and for those that would be subject to any action to be able to provide such information.

The failure to return a Planning Contravention Notice is an offence in itself and is resulting in this Authority being unable to undertake its enforcement duties properly. It is considered that action should be taken against the non-return of the notice to enable these duties to be pursued.

RECOMMENDATION

That the Chief Executive/Director of Park Direction and Planning/Head of Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court for the non-return of the Planning Contravention Notice.