

AGENDA ITEM NO. 7a

WARDS AFFECTED:
Halesowen South

DEVELOPMENT CONTROL COMMITTEE 24TH APRIL 2006

**JOINT REPORT OF THE DIRECTOR OF LAW AND PROPERTY AND THE
DIRECTOR OF THE URBAN ENVIRONMENT**

ENFORCEMENT

LOCATION LYNWOOD HOUSE, TENTER DRIVE, HALESOWEN,
B63 3JH

REF T/030/01/02

BACKGROUND

- 1 In March 2006 the planning enforcement team became aware that fencing had been erected at the above address which may exceed the height allowed under permitted development rights.
- 2 Subsequent investigations found that fencing had been erected which measures approximately 4m in height. This fencing is situated in line with the existing 1.8m high fencing which denotes the boundary between the residential site and the school to which it is adjacent. This school is Tenterfields Primary School. The fencing is increased dramatically in height in three places along the boundary.
- 3 Subsequently a letter was sent to the owner of the property where the fencing had been erected requesting that the fencing be lowered to no more than 2m or removed. The owner contacted officers to say that the fencing had been erected to prevent the ball going over the fence from children playing at the school. Also that he would not reduce or remove the fencing and that the Council should take enforcement action.
- 4 It is therefore considered that there is no course of action available other than to instigate formal action in respect of this breach.

BREACH OF PLANNING CONTROL

- 5 The erection of boundary fencing at the site known as Lynwood House, Tenter Drive, Halesowen, B63 3JH, which exceeds 2m in height (see attached plan).

WHAT IS REQUIRED TO BE DONE

- 6 The removal of the fencing in it's entirety.

TIME FOR COMPLIANCE

- 7 1 month

REASONS FOR ENFORCEMENT

- 8 The fencing, by reason of its design, size and appearance results in a visually prominent and overbearing feature adversely affecting the amenity that the users of the adjacent school can reasonably expect to enjoy. As such the development is contrary to Policies DD1 and DD4 of the Adopted Dudley Borough Unitary Development Plan.