

**YORKSHIRE DALES NATIONAL
PARK AUTHORITY**

INEXPEDIENCY REPORT (ENFORCEMENT)

NPA File ref: EC/99/99

Location: 2 North View, Gunnerthwaite

Unauthorised Development: Construction of domestic garage to rear of dwellinghouse

Context: The Government, in Planning Policy Guidance 18: Enforcing Planning Control advises that in considering any enforcement action the decisive issue should be whether the breach of control would unacceptably affect public amenity or the existing use of the land and buildings meriting protection in the public interest. It also states that enforcement action should always be commensurate with the breach of planning control to which it relates. It is further stated that:

- it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity
- an enforcement notice should not be issued solely because the development is unauthorised, if it is acceptable on its planning merits
- where an initial attempt to secure a voluntary remedy to the harmful effects of unauthorised development fails formal action should not be hampered by negotiations

As a Local Planning Authority Section 172 of the 1990 Act states that we have a discretionary power to issue an enforcement notice where it appears to us:

- that there has been a breach of planning control, and
- that it is expedient to issue the notice, having regard to the provisions of the development plan and any other material considerations.

Background: Without the necessary planning permission a small domestic garage has been constructed within the rear garden area of 2 North View, Gunnerthwaite. The unauthorised building measures 6.0 metres by 4.0 metres and is constructed of stone walls under a natural slated roof. Planning permission should have been sought on the basis that the new building marginally exceeds the applicable permitted development allowances.

Relevant Policy: Policy B14 of the Yorkshire Dales Local Plan 2006 requires all extensions and alterations to non-listed buildings to comply with policies B7 (Building

design) and GP2 (General design policy) and to not harm visual or residential amenity, or result in an unacceptable loss of curtilage.

Assessment: The unauthorised garage is constructed of traditional materials, is sited to the rear of the existing dwellinghouse, and has limited public impact. Whilst it can be seen from the garden of the neighbouring property (1 North View), at its nearest point it is approximately 1.5 metres from their common boundary. It is not considered that the construction of the garage has harmed the residential amenity of the occupier of this property. There will be no unacceptable loss of residential curtilage and adequate parking provision remains to the front of the property. It is considered that the garage that has been constructed complies fully with the requirements of Policy B14 and also that, had planning permission been applied for, it would have been granted.

Recommendation: For the above reasons it is determined that it is inexpedient, in the public interest, to take formal enforcement action in order to remedy the identified breach of planning control.

Signed:
Planning Enforcement Officer

Dated:

Signed:
Principal Planning Officer

Dated: