

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2187968 - 9

LPA REF: ENF/7/2011/017


APPEAL AGAINST THE ISSUE OF AN ENFORCMENT NOTICE RELATING TO THE UNAUTHORISED CHANGE OF USE OF LAND AT 1 GLEBE HOUSES, FERRYHILL, CO DURHAM DL17 8LX

1. This appeal relates to the serving of an Enforcement Notice by the Council against the unauthorised change of use of land adjacent to the residential property which was lawfully un-adopted highway land to an enclosed area of land for residential use including parking.
2. The enforcement notice appeal was **dismissed**, the enforcement notice was **upheld** with correction of the description of use. In arriving at the decision, the Inspector considered the following issues:
3. The appeal was made on the basis that no breach of planning control had occurred.
4. The Inspector determined that the land subject of the Enforcement Notice was formerly part of a road access with pavements between Eamont Road and Church Lane, and that it had been enclosed by the erection of the gate and fencing and was being used for private residential purposes.
5. On the balance of probabilities, the land was still some sort of open amenity land which was laid out as a road prior to being used for residential purposes, and it was accessible to the public. As no planning permission was in place for a change of use of to private residential purposes and such a change of use is not permitted development, the appeal must fail.
6. The Inspector also considered the appellants' submission made relating to Article 8 of the Human Rights Act, recognising that dismissal of the appeal would interfere with their home and family life to some extent, however, this must be weighed against the wider public interest, whereby such changes of use of land require planning permission, and that dismissal of the appeal will not have a disproportionate effect on the appellants.
7. No costs applications were made.

RECOMMENDATION

8. That the decision is noted.



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|  <p>Durham County Council</p> <p>Planning Services</p> | <p>Unauthorised change of use of land at 1 Glebe Houses, Ferryhill (H/7/2011/017)</p> | |
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| | <p>Date 20 June 2013</p> | <p>Scale</p> |