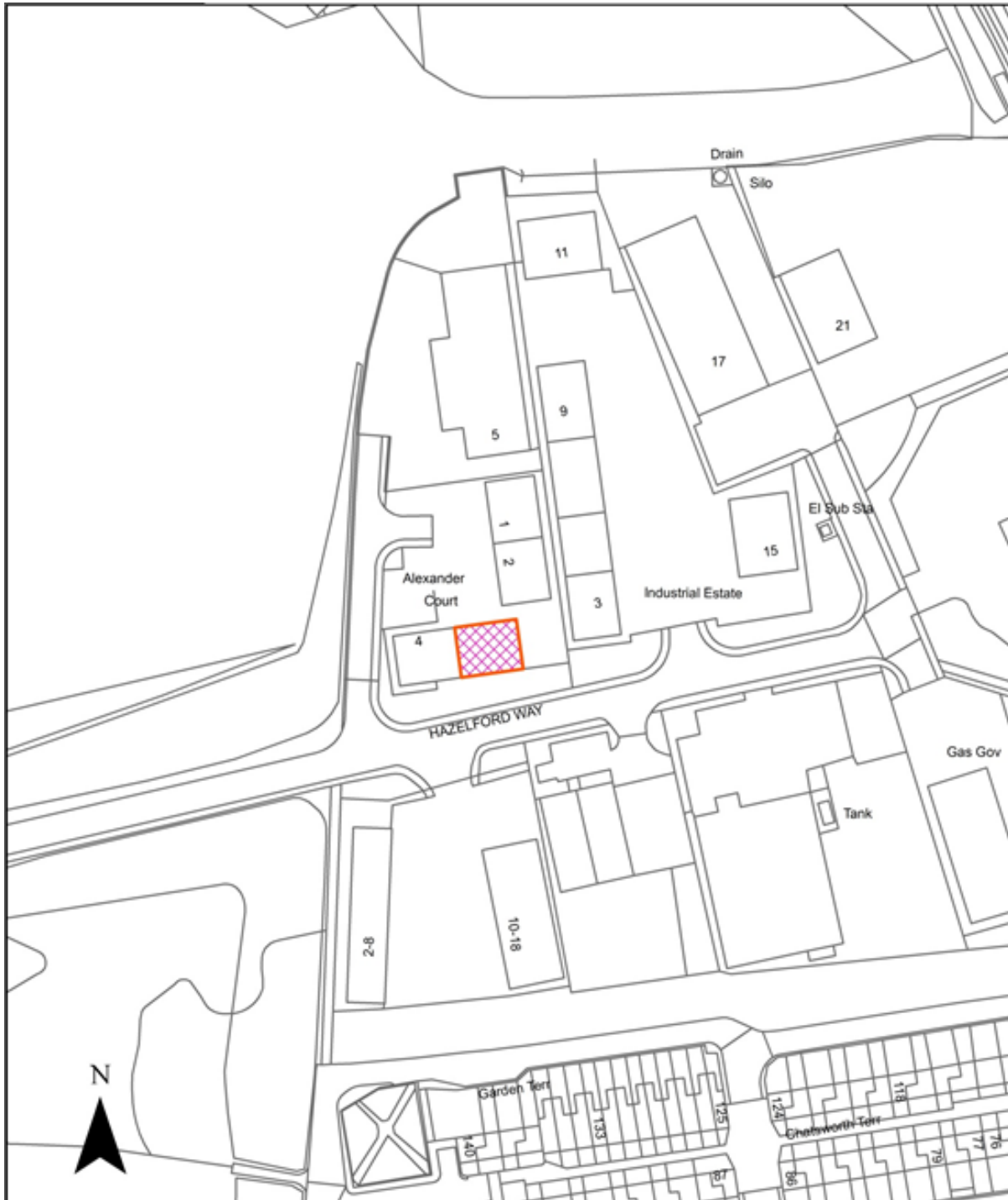




**Planning Enforcement:** 0151/2013  
**Location:** Unit 3 Alexander Court, Hazelford Way, Newstead NG15 0DQ



**NOTE:**

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Planning Enforcement Reference:** 0151/2013

**Location:** Unit 3 Alexander Court, Hazelford Way, Newstead NG15 0DQ

**Breach of Planning Control:** Unauthorised change of use from B1/B8 to car sales (sui generis)

**Case Officer:** David Spencer

### **Site description**

Unit 3 Alexander Court is a purpose built industrial unit, located on the industrial estate to the north of Newstead Village.

### **Relevant Planning History**

Planning permission was granted under reference 90/0648 for the redevelopment of former allotments to become industrial/warehouse units. A further permission 2003/2855 was granted 18 February 2004 giving permission for Industrial & Commercial development falling within Use Classes B1(c), B2 and B8- 4 small units and 1 larger unit which covers this part of the industrial estate.

### **Breach of planning control**

It was reported to the Council in August 2013 that Unit 3 was being used for car sales, which is a use class sui generis, which requires a planning permission for change of use from any other use class.

The operator of the site has been informed that there is no permission for use as car sales and was advised to either cease the use or apply for a planning permission for a change of use. To date neither action has taken place and the breach in respect of unauthorised change of use remains.

### **Planning Considerations**

Part VII of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) outlines the actions that a local planning authority may take if breaches of planning control occur.

However before taking any enforcement action local planning authorities are advised to consider the guidance contained with the National Planning Policy Framework and Planning Practice Guidance Notes.

Paragraph 207 of the NPPF advises that:-

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 005 of the National Planning Practice Guidance Notes advises that:-

Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

The continued unauthorised use as car sales generates parking issues as cars that are for sale are parked not only at the site but also on the access roads which makes access to other premises at the location difficult, which has an effect on amenity.

**Recommendation:**

That the Corporate Director be authorised in Consultation with the Council Solicitor and Monitoring Officer to take any necessary enforcement action including service of notices and issuing/defending legal proceedings if required