



DECISION OF COUNCILLOR ELFAN AP REES

THE EXECUTIVE MEMBER FOR STRATEGIC PLANNING, HIGHWAYS, ECONOMIC
DEVELOPMENT AND HOUSING.

WITH ADVICE FROM
THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO 15/16 DE 162

SUBJECT: Proposed Article 4 Direction

Background:

Temporary car parking sites for airport customers have become particularly problematic in the Green Belt since 2002. Despite the council issuing numerous enforcement notices, stop notices and pursuing successful prosecutions over a number of years, the issue still persists. This has a significant effect on the living conditions of local residents and the wellbeing of the area. Without constant monitoring, which requires substantial council resources, off site airport parking operators exploit permitted development rights by operating over the 28 days permitted. The length of time the council has been trying to tackle this problem, along with the number of complaints logged, indicates the difficulty in keeping control over the number of unauthorised car parking sites currently operating and these numbers are not diminishing.

DECISION:

It is considered that there is strong justification for the making of a non-immediate Article 4 Direction to remove permitted development rights for the storage, parking, cleaning, maintenance or repair of any motor vehicle of any description, provided such use is not in association with the existing lawful use. The direction would also remove rights to provide moveable structures for the purposes of the controlled use.

Reasons:

The removal of this permitted development right is necessary to protect local amenity, the Green Belt and wellbeing of the area. The making of an article 4 direction will not solve the problem but will be an effective part of the toolkit and enable officer's to monitor and enforce against problematic sites more effectively.

Risk Assessment:

Any risk needs to take into account the amount of resources required to actively monitor the unauthorised use of the land for parking and the need to take enforcement action. So far this approach has had very little effect. Some sites have cleared through formal and informal enforcement action but it has done nothing to reduce the number of sites operating and has also led to a dispersal of activity across a number of sites across the district. This has done nothing but make the continuous monitoring of unauthorised sites much more difficult. The Council has not altered its approach in pursuing this issue for 15 years. The growth of existing sites and new operators coming forward is evidence that this approach is ineffective.

Financial Implications:

An article 4 direction can lead to compensation being paid. Compensation can only be based upon any work carried out which is rendered abortive by the direction (this is most unlikely to apply) and for loss or damage which is directly attributable to the direction. For any compensation claims following the refusal of planning permission this would require the production of accounts to show any loss of profits. Measures are proposed to limit this risk.

Implications for Future Years:

The making of an Article 4 Direction will ensure current resources required for the continuous monitoring of unauthorised car parking sites are directed towards taking effective legal action when it is within the public interest to do so.

Signed..... The Executive Member for Strategic Planning,
Highways, Economic Development and Housing

Dated.....

Confirmation of Advice Given

Signed.....Director of Development & Environment

Dated.....