



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 19/00230/UNCOU

ADDRESS: Land to the North of 12, The Highfields, Wightwick, Wolverhampton WV6 8DW ("the Land").

BREACH OF PLANNING CONTROL:

Without planning permission, the material change of use of the Land to domestic residential garden land in association with 12, The Highfields, including to facilitate the material change of use the depositing of gravel to create a hardstanding for the parking of motor vehicles.

POLICY CONSIDERATIONS:

National Planning Policy Framework

13 – Protecting Green Belt Land

Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

GB1: Development in the Green Belt

RELEVANT PLANNING HISTORY:

None in respect of the Land

CASE SUMMARY:

The Land consists of a parcel of land that acts as a buffer between the settlements of Perton and Wolverhampton and is defined as Green Belt in the Councils Local Plan Policies Maps. It is located north of a detached residential dwelling house known as 12, The Highfields.

On 15th April 2019 the Council received a complaint in relation to the Land being used as an extension to the garden of 12, The Highfields.

A short time after the complaint a Council officer visited the Land and spoke to the owner who was present with his planning agent. The land was not demarcated from the adjacent garden of

TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

12, The Highfields however, the planning agent stated that the land would be used in association with the agricultural use of the land. The Council officer suggested a fence should be erected to demarcate the Land between the residential curtilage and the agricultural land.

Due to the pandemic the case was left in abeyance but resurrected again in 2024 as part of a review of a backlog of unresolved cases. A desktop review using aerial imagery showed that the Land appeared to have been developed, with aerial imagery between March 2021 and June 2023 showing an area of hardstanding used for the parking of vehicles. The Land did not appear demarcated from the residential garden of 12, The Highfields.

On 9th August 2024 a Council officer carried out a site visit where it was observed that the Land was being used as an extension to the garden of 12, The Highfields. Loose gravel had been used to form a hardstanding parking area which was not demarcated from the garden of 12, The Highfields, domestic potted plants had been placed around the edge of the parking area which then opened out onto the wider land consisting a striped manicured lawn.

An opportunity was given to the owner to regularise the breach, and a pre-application was submitted to ascertain the possibility of obtaining planning permission. The pre-application advice issued 23rd December 2024, informed the landowner that the development represented inappropriate development within the Green Belt and that a planning application would not be looked upon favourably.

The landowner has since refused to cease the use of the Land, and a planning application has not been forthcoming.

The material change of use of the Land to domestic residential garden land in association with 12, The Highfields took place less than ten years ago and is not immune from enforcement action.

Paragraph 142 of the National Planning Policy Framework (NPPF), states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 143 b) of the NPPF states that one of the five purposes of the Green Belt is to prevent neighbouring towns merging into one another; Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the Core Strategy is worded differently and accepts a change of use would be permitted where the carrying out of engineering or other operations, or the making a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes. Whilst worded differently, it is considered the aims of the two are the same.

The use of the Land as residential garden land for the parking of cars and a domesticated lawn encroaches into the green belt buffer which clearly conflicts with the green belt purpose (part b), that is to prevent neighbouring towns from merging into one another. The buffer between the

settlements has already been eroded to a certain extent with the agricultural land being divided and sold off. This has resulted in the planting of trees/hedging along the boundaries to define different ownerships. The creation of a hardstanding area for the parking of motor vehicles for the associated property is not considered acceptable and represents inappropriate development in the Green Belt, there should be a clear boundary distinction between the residential property and the agricultural land to maintain the green belt purpose.

The loose gravel parking area allows for the parking of a number of vehicles, (at least four), in connection with the residential property. This additionally introduces a spatial impact upon the openness of the Green Belt.

There are no 'Very Special Circumstances' to justify the inappropriate development in the Green Belt and as such it is, therefore, contrary to the relevant provisions of the NPPF and Policy GB1 of the South Staffordshire Core Strategy Adopted 2012.

The Council do not consider that that conditions could overcome the harm created by the harm to the Green Belt caused by the breach in planning control identified in this report and as such, planning permission should be refused.

EXPEDIENCY OF ENFORCEMENT ACTION:

Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. This case relates to inappropriate development within the Green Belt consisting of a garden extension to adjacent residential dwelling with clear identified harm to the Green Belt.

The landowner has refused to cease the use of the Land and no planning application has been received. This leaves the Council with little alternative but to proceed with formal enforcement action to ensure the restoration and ongoing protection of the Green Built and in order to maintain public confidence in the planning system.

NOTICES TO BE SERVED UPON:

1. JAYMINI PATEL
12, Highfields,
Wightwick,
Wolverhampton
WV6 8DW

2. RAVINDRA ASHABHAI PATEL
12, The Highfields,
Wightwick,
Wolverhampton
WV6 8DW

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

Land to the North of 12, The Highfields, Wightwick, Wolverhampton WV6 8DW



TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER:	Mark Bray
POSITION:	Planning Enforcement Consultant
DATE:	17 th January 2025

Signed:**LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:****DECLARATION:**

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME:	Catherine Gutteridge
POSITION:	Planning Enforcement Team Manager
DATE:	17 th January 2025

Signed:

DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

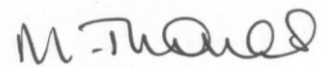
I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Matthew Thomas
POSITION: Assistant Team Manager - Development Management
DATE: 20th January 2025

Signed:



LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Pardip Sharma
POSITION: Solicitor
DATE: 10/2/25

Signed: By E-mail 10/2/25

AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

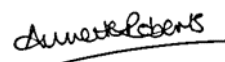
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I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts



DATE: 14th February 2025

Signed:
