

Planning Enforcement Closing Report



PERTH &
KINROSS
COUNCIL

Case Reference Number	19/00137/UNAUSE
Description of Possible Breach	Running a car sales business from home
Date Observation Received	15 May 2019
Address/Location	[REDACTED]
Ward	Strathtay
Case Officer	MB

Approach to Planning Enforcement

Perth & Kinross Council endeavours to resolve breaches of planning control where possible, through either informal or formal means to remedy the breach. The use of enforcement action is; however, a discretionary power and the Council is not required to take any particular action and may decide, in some cases, that not taking action is justified.

In determining whether it is expedient to take formal action, the Council must have regard to:

- a) Whether a breach of planning control has occurred;
- b) Whether enforcement action is justified and in the wider public interest;
- c) Relevant provisions of the [Development Plan](#) and other material considerations;
- d) The priorities specified within the [Council's Planning Enforcement Charter](#).

Consultations

Consultee	Date Consulted	Consultee Comments
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None.

Site History

00/00149/FUL Erection of 23 dwellinghouses and access road (Phase 2) at 5th June 2000
Application Approved

Main Report

The following observation was received: **Running a car sales business from home**. The results of the case officer's investigation are as follows.

It has been determined that development has been undertaken and these do constitute development, as defined in Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). Planning Permission is not in place for the development.

It has been established that a breach of planning control has occurred. Having considered the impacts in respect of amenity/appearance etc, it has been found that these are unacceptable when assessed against Policies PM1, RD1, TA1 or EP8 of the Perth and Kinross Local Development Plan. It is considered that it was in the public interest to take action to remedy the breach entirely. To achieve this, the following action was taken:

The developer carried out remedial works at the request of the Planning Authority without the need for formal action and the breach was resolved entirely. All vehicles have been removed from the site and photo evidence has been provided of this.

This action is considered to be proportionate to the breach identified and satisfactorily resolved the planning harm identified.

The owner of the property should be aware that the decision to close the enforcement case, as described in this Closing Report, does not make the development undertaken lawful or substitute any grant of planning permission. Such permission can only be obtained by submitting a formal planning application. Further information can be found can be found at: www.pkc.gov.uk/makingaplanningapplication.

Decision

Perth & Kinross Council, as the Planning Authority, has determined that the case has been closed because:

Breach of Planning Control Resolved

This decision has been reached for the following reasons:

Breach of Planning Control Resolved

Authorising Officer **JJS**

Date of Decision **31 July 2019**