

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	12 January 2009

## ENFORCEMENT ITEM

**TITLE:** Boundary wall, pillars, gate posts, gates & wooden infill panels 77 Preston Road, Chorley, PR6 7AX that exceed 1 metre in height.

## PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action to secure the reduction to the height of the boundary wall, pillars, gate posts, gate and wooden in fill panels to a height of 1 metre.

## RECOMMENDATION(S)

2. That it is expedient to pursue enforcement action to reduce the height of the unauthorised means of enclosure erected to the frontage of a parcel of land adjacent to 77 Preston Road, Chorley, to include wall, pillars, gate posts, gates, & wooden in fill panels to a height of 1 metre thereby benefitting as permitted development granted by virtue of Schedule 2, Part 2, Class A, The Town & Country Planning (General Permitted Development) Order 1995 (as amended).

## EXECUTIVE SUMMARY OF REPORT

3. The issues for consideration in this case are the impact the development has upon the visual amenities of the locality and the Green Belt.

## Reasons for Recommendations

4. The unauthorised development is contrary to Policy DC1, Chorley Borough Local Plan Review (CBLPR) Adopted Edition dated August 2003, and Policy 6 of the Joint Lancashire Structure Plan and Government advice in PPG 2, Green Belts

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Following a meeting with the applicant it was suggested to him that he comes forward, on an informal basis, with a proposal that would meet his needs and be acceptable to the Council in the expectation that an agreed scheme could be formally submitted.

## CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	X
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

## BACKGROUND

7. The property is a large detached dwelling house situated to the west side of Preston Road, Chorley, directly opposite the Hartwood roundabout. The property is within the urban settlement of Chorley. Adjacent to the property is a parcel of land in the same ownership as 77 Preston Road, this parcel of land being within the designated Green Belt. Both uses defined as such within the Chorley Borough Proposals Map, Adopted Edition August 2003.
8. The property/landowner made an application to the Council under application 06/01109/Ful for the erection of a boundary wall, pillars and railings across the frontage of both the dwelling house and the parcel of land adjacent to the dwelling. This application was refused by decision notice dated 16 January 2007. The reason for refusal was that it was considered the proposal would detrimentally impact on the character and openness of the Green Belt and was therefore contrary to Policy DC1, Chorley Borough Local Plan Review (CBLPR) Adopted Edition dated August 2003, Policy 6 of the Joint Lancashire Structure Plan and Government advice in PPG 2, Green Belts.
9. An appeal against the refusal was lodged and duly considered by the Planning Inspectorate, and on 11 September 2007 the Inspectors decision was to dismiss the appeal. He considered that the development would represent a change in character of the street scene to the detriment of visual amenity contrary to Policies DC1 & GN5, CBLPR and Government advice in PPG2.
10. Subsequently, planning application, 08/00027/Ful was submitted proposing to erect a brick wall with brick piers in filled with wrought iron railings but only to the frontage of the dwelling and not the adjacent parcel of land within the Green Belt. This application was approved by decision dated 21 February 2008.
11. It has been noted by the Council that whilst the works for the approved development has been ongoing additional works have taken place to erect a wall, brick piers, gate pillars and in fill panels of close boarded timber across the frontage of the land to the north of the dwelling, (land within the designated Green Belt), that exceed 1 metre in height. These works do not benefit from any planning permission and are unauthorised.
12. The reason why planning permission is required in this instance is because the means of enclosure erected across the frontage of the land within the Green Belt exceeds 1 metre in height, and is adjacent to a highway used by vehicular traffic. As stated at Para 2 a means of enclosure adjacent to a highway used by vehicular traffic cannot exceed 1 metre in height to benefit as permitted development.

## ALTERNATIVE REQUIREMENTS

13. It is considered that any means of enclosure comprising of brick pillars, wooden in fill panels, gates and gate posts to a height exceeding 1 metre in height across the frontage of this parcel of land will be disharmonious and not in keeping with good design and that such development will be visibly conspicuous within the designated Green Belt.
14. The owner has submitted a proposal via the MP's office that would result in a marginal improvement in the unauthorised development undertaken but as a whole would result in a boundary treatment that would be more harmful upon the Green Belt than a modest treatment. The grounds for requiring a high boundary treatment of limiting views into the area of land and the security of this land are not overriding matters or material to this decision.

## IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	X

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