

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	25 May 2010

ENFORCEMENT ITEM

TITLE: Operational Development consisting of the erecting of a wall Brick Pillars/ Electronic Gates, the formation of hard standings and kerbing on land at Springfields Sandy Lane Mawdesley and use change of use of land for the storage of plant machinery and associated equipment.

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action to secure removal of the hard standings, drainage, the brick wall, pillars and electric gates both of which exceed 1 metre in height and are adjacent to a highway used by vehicular traffic and to cease the use of the land for the external storage of any plant and machinery or associated equipment.

RECOMMENDATION(S)

2. That it is expedient to pursue enforcement action to remove the hard standings, kerbing and drainage laid together with the removal of the brick wall, pillars and electric metal gates to the entrance of the site and to cease the use of the land for the storage of any plant machinery and associated equipment.
3. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:

Alleged Breach

- i. Without planning permission the erection of a wall, brick pillars and electronic gates to the entrance of the site exceeding 1 metre in height

- ii **Remedy for Breach**

- ii(a). Remove the brick pillars and gates that have been erected to the entrance of Springfields, Sandy Lane, Mawdesley, or Reduce the wall, pillars and gates to 1 metre in height.

- ii(b). **Period for Compliance**

Three Months.

- ii(c). Reason

The wall, brick pillars and electric gate are a conspicuous feature within the Green Belt and have introduced an urbanising feature detrimental to the visual amenity contrary to Policy DC1 and GN5 of the Chorley Borough Local Plan Review (CBLPR)



Adopted Edition dated August 2003 and the advice in paragraph 3.15 of PPG2.

Alleged Breach

- (iii) Without planning permission the formation of an area of crushed hard standing and kerbing on land at Springfields, Sandy Lane, Mawdesley.

- (iii)(a) **Remedy for Breach**

- (iii)(b) Remove all the material to form the hard standing, kerbing and drainage from the land.

- (iii)(c) **Period for Compliance**

Three Months

- (iii)(d) Reason

The development is inappropriate development and therefore harmful to the Green Belt 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.

Alleged Breach

- (iv) Without planning permission the change of use of the land from a nursery to a plant depot for storage of metal buckets, skip compactor, stone, metal cabin, pipe work both plastic and concrete, caravan, road signs and ballast material and parking of plant and machinery.

- (v)(a) **Remedy for Breach**

- (v)(b) Cease the use of the land for the parking of any plant and machinery and for the storage of materials or equipment to include metal cabins, metal buckets for use with heavy plant machinery, pipe work both plastic and concrete, road signs, ballast materials and caravan, and to remove such items from the land.

- (v)(c) **Period of Compliance**

Three Months

- (v)(d) Reason

The development is inappropriate development and therefore harmful to the Green Belt 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.

EXECUTIVE SUMMARY OF REPORT

3. The issues for consideration in this case are whether the development that has been carried out is appropriate development within the designated Green Belt.

Reasons for Recommendations

4. The main issues are whether the development is appropriate within and harmful to the character and appearance of the Green Belt.
5. In this instance the removal of the glasshouses from the site did not require any planning permission nor would the removal of the hard standings however, the re laying of those hard standings coupled with the drainage works and kerbing is an engineering operation that requires planning permission. This has neither been sought nor approved. Additionally the electronic gate installed coupled with the brick pillars both over 1 metre in height is operational development that requires planning permission.
6. The site is within the designated Green Belt as defined by Policy DC1 of the Adopted Chorley Borough Local Plan Review. Within the designated Green Belt planning permission will not be granted, except in very special circumstances, for development other than: (a) agriculture, forestry, (b) essential facilities for outdoor sport and outdoor recreation, (c) limited extensions alteration replacement of existing dwelling's, (d) the re use of existing buildings, (e) limited infilling, (f) affordable housing, (g) redevelopment of major developed sites or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes.
7. The development carried out does not accord with policy DC1 of the Adopted Chorley Borough Local Plan Review and no information has been submitted to justify the hard standings, kerbing, drainage, gates and pillars or use of the land for the external storage of any plant and machinery or associated equipment as very special circumstances.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The hard standing areas that have been re laid within the site comprising compacted hardcore do not stand above the level of the adjacent land, and does not itself affect openness. It is a feature that detracts from the openness of the landscape. It must also be borne in mind that the hard standing areas existed however, the removal of and re laying of the hard standings was an action that was ill considered and has resulted in the undertaking of operational development that did not benefit from any planning permission and is development that is considered to be inappropriate and therefore harmful to the Green Belt.
9. With regards to the gates and brick pillars permitted development rights exist by virtue of Schedule 2, Part 2, Class A, The Town & Country Planning (General permitted Development) Order 1995 to erect gates, fences and walls to a height of 1 metre when adjacent to a highway used by vehicular traffic. Therefore any enforcement notice will require removal of the gates and pillars as erected or reduction in height to 1 metre and thereby benefit from permitted development

CORPORATE PRIORITIES

10. 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

11. The site is situated to the west side of Sandy Lane, Mawdesley, and was a long standing commercial nursery covering an area of approximately 2.5 hectares (6 acres) of which there was 1 acre of land covered with glasshouses and polytunnels. There was also two adjoining portal framed buildings that provided storage areas for vehicles, boxes, trays etc and an area used as a workshop and a low height concrete block building used for storage.
12. The new owner of the site has cleared the site of all glasshouses and removed the existing concrete hard standings that the glasshouses stood upon. The hard standing the glasshouses stood upon was then dug up, crushed and re laid on the same footprint. To one section of the newly laid hard standing kerbing was added to the perimeter of the footprint and within the re laid area new drainage installed. Additionally a new electronically controlled gate was erected to the entrance together with new brick pillars both of which exceed 1 metre in height and which are adjacent to a highway used by vehicular traffic.
13. The land to the north of the site was in use for the storage of a number of differing materials and vehicles and it was requested that the area was cleared of all those materials and vehicles and that the soil that had been scrapped away be re laid to the area. A majority of those works have been carried out however it has not been completed to the satisfaction of the council as materials remain on the land as does a skip compactor and metal buckets used in conjunction with heavy plant machinery.
14. The owner of the site has indicated to the Council that his intention is to use the site as a training centre for the investigation of existing underground utilities, a civil engineering operation. He states he does not wish to use the site as a civil engineering depot with the resultant storage of machines and equipment but to train individuals in the use of specialised pieces of equipment in locating and excavating those underground utilities. A specialised vehicle is used in the excavating of those utilities that vehicle being exclusive to this company. To this end he has produced a brochure outlining his intention and has given a presentation to the Parish Council. However, no planning application has yet been submitted.

IMPLICATIONS OF REPORT

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

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

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Report Author	Ext	Date	Doc ID
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