

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	22 June 2010

ENFORCEMENT ITEM

TITLE: Operational Development Land to the East of 75 The Farthings Astley Village Chorley PR7 1SH storage of a metal container.

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the removal of the unauthorised development (metal container) from the land. Planning permission exists for the use of the land for caravan storage.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:

Alleged Breach

- i. The placing of the steel container on the land constitutes operational development that requires planning permission.

- ii **Remedy for Breach**

Remove the storage container from the land.

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

Three Months.

- ii(b). **Reason.**

The external appearance of the building (metal container) is contrary to Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition in that the design of proposed development is not well related to the surrounding area.

EXECUTIVE SUMMARY OF REPORT

5. The land in question lies in an area of built settlement. Within such settlement areas Policy GN1 states there is a presumption in favour of appropriate development, subject to normal



planning considerations and policies and proposals of the Adopted Chorley Borough Local Plan. Policy GN5 of the Local Plan states that the design of proposed developments will be expected to be well related to their surroundings.

6. The issue for consideration in this case is whether the operational development that has been carried out conforms to the requirements detailed at Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition in that the external appearance of the building is acceptable in this residential area.

Reasons for Recommendations

7. The unauthorised development represents an alien feature in this residential area and is inappropriate development in terms of its external appearance and does not respect the character of the area in which it is located and is therefore contrary to Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition.
8. There are various legal authorities that have set out the principles to be used in assessing whether a structure is a building. These authorities suggest that three primary factors are relevant in that assessment: size, permanence and attachment to the ground. In terms of size the metal container measures 7.2 metre in length, 2.2 metres in depth and 2.4 metres in height and is considered therefore to be of substantial size and has an imposing presence on the land. With regards to permanence the container is designed to be carried on a vehicle and placed upon the land and is unlikely to be moved frequently or easily within the confines of the allocated caravan parking area. It is agreed that the container is not fixed to the ground merely resting upon it and the change to the character of the land is visual rather than physical.
9. Taking all three elements into consideration it is concluded that the combination of size, the transportation of the container to the land and the limitation of mobility, the likelihood that it will remain in situ is of significance and it is considered that the metal container is a building and therefore operational development has taken place for which planning permission is required.

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 Farthings formed part of the overall Commission for the New Towns Development within the Chorley area. The plans for this estate showed area an area of land had been set aside within the estate area specifically for use as a caravan park for use by residents who would then not need to keep caravans on driveways.

12. Approximately three years ago the parcel of land set aside for the caravan park was sold to a private individual who intends using the site for caravan storage but in addition to the approved use of the land has placed a large steel container upon the land.
13. The metal container measures 7.2 metre in length, 2.2 metres in depth and 2.4 metres in height and is blue in colour. It has been sited to the southern boundary of the site behind an established boundary consisting of wooden fencing to a height of 1.8 metres with a well established landscaping strip of land in front of the fence. The top part of the container is visible through the landscaping and is visible above the fence.
14. A site visit has been carried out where the landowner explained that the container is used to store the ancillary equipment used in connection with the caravans such as portable generators, bicycles, and awnings etc, items that could easily be removed from a caravan when left unattended on the land. Inspection of the content of the container at this time revealed two bicycles and a generator.

ALTERNATIVE REQUIREMENTS

15. Nil.

IMPLICATIONS OF REPORT

16. 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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