

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

ENFORCEMENT ITEM

TITLE: Formation of Vehicular Access 176a Wood Lane Heskin Chorley PR7 5NS

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the closure of the unauthorised vehicular access.

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 formation of a vehicular access to a classified road.

- ii **Remedy for Breach**

Close off the unauthorised vehicular access permanently by replanting the Hawthorne hedgerow between points A & B shown on the attached plan.

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

Four Months.

- ii(b). **Reasons.**

The layout of the access and its proximity to the junction of Wood Lane and The Meadows involves vehicles carrying out manoeuvres on to the highway creating danger for other users of this classified road.

The removal of the hedgerow to form the access has resulted in a loss to visual amenity of the green belt and character and appearance of this area contrary to Government advice in PPG 2, Green Belts

EXECUTIVE SUMMARY OF REPORT

3. Following refusal of an application for a Certificate of Lawful Use, application 10/00314/CLEUD, dealt with under delegated powers, for the vehicular access, the Council must now consider whether it is expedient to take enforcement action to secure cessation of the use of that access.
4. The issue for consideration in this case is whether the operational development that has been carried has caused detriment to the character and appearance of this area which is within green belt and whether the access causes any highway safety issues.

Reasons for Recommendations

5. The removal of the hedgerow to form the access, in this prominent corner location at the junction of Wood Lane/The Meadows has resulted in a loss to the visual amenity of the street due to the resultant stark open frontage that has been created to this otherwise sylvan area where the properties along Wood Lane have clearly identifiable front boundaries separating the curtilage from highway.
6. The Highways Authority has advised that as the access is within 3 metres of the kerb line of a side road junction and this does not meet their standard of 12 metres. There is no provision to allow vehicles to turn and exit the property in forward gear the same vehicles when exiting must therefore reverse into the highway dangerously close to this side road junction. Through the removal of the hedgerow there is now the possibility of 4 vehicles parking on the front forecourt at any one time thereby multiplying the risk which is a hazard to all road users.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. Nil

CORPORATE PRIORITIES

8. 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

9. This report stems from a recently refused application for a Certificate of Lawful use in respect to the access in which the applicant did not prove on the balance of probabilities that the access had been used for a period of 4 or more years.

ALTERNATIVE REQUIREMENTS

10. Nil.

IMPLICATIONS OF REPORT

11. 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	

Lesley-Ann Fenton
Director of Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	8 July 2010	10/00314/CLEUD