

Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	22.7.2010

ENFORCEMENT ITEM

TITLE : ERECTION AND USE OF BUILDINGS FOR MILK PROCESSING, FORMATION OF HARDSTANDING, ERECTION OF SILOS ON LAND AT YEW TREE FARM, COPPULL HALL LANE, COPPULL

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case

RECOMMENDATION(S)

2. That enforcement action be authorised in respect of the following breaches of planning control :

Alleged Breach

- 2.1 Without planning permission the erection of a building for the processing, packaging and distribution of milk.

- 2.2 **Remedy for Breach**

Demolish the building and remove the materials resulting from its demolition from the land

- 2.3 **Period for Compliance**

Nine Months.

- 2.4 **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.

The development by reason of the HGV traffic generated is unsafe for the highway network in the area and detrimental to the safety of other highway users

Alleged Breach

2.5 Without planning permission the change of use of an agricultural building for the processing, packaging and distribution of milk.

2.6 Remedy for Breach

2.7 Cease the use of the building for the processing, packaging and distribution of milk

2.8 Period for Compliance

Nine Months

2.9 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.

The development by reason of the HGV traffic generated is unsafe for the highway network in the area and detrimental to the safety of other highway users

Alleged Breach

Without planning permission the formation of an area of hardstanding for the parking and maneuvering of motor vehicles

2.10 Remedy for Breach

2.11 Remove the material used to form the hardstanding from the land

2.12 Period of Compliance

Nine months

2.13 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.

The development by reason of the HGV traffic generated is unsafe for the highway network in the area and detrimental to the safety of other highway users

Alleged Breach

2.14 Without planning permission the erection of silos for the storage of milk.

2.15 Remedy for Breach

2.16 Dismantle the silos and remove them from the land.

2.17 Period of Compliance

Nine Months

2.18 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.

The development by reason of the HGV traffic generated is unsafe for the highway network in the area and detrimental to the safety of other highway users

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 Green Belt, whether the use has led to an unacceptable increase in traffic, and whether it has led to a loss of amenity for local residents.

REASONS FOR RECOMMENDATION(S)

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.

The development does not accord with that policy and the Council are unaware of any special circumstances that would override that policy.

he volume of HGV traffic now using the country lane to the farm is detrimental to the safety of other highway users. This is a very popular route for horse riders, pedestrians and cyclists, and whilst there are verge areas, these are unsuitable for the passage of any traffic, confining these users to the surfaced area as well. This means that HGV's have to pick their way through other highway users on the lane, forcing them to move off the paved area and stand aside. This development is now inappropriate for the area, and the level of HGV traffic now generated by the business is unsafe for the highway network in the direct vicinity of Yew Tree Farm.

CORPORATE PRIORITIES

4. 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

6. A report appears on this agenda in respect of an application for a Certificate of lawful use and the recommendation is to refuse the application. The consequence of refusal of the application is that the Council must now decide whether it would be expedient to take enforcement action in respect of the breaches of planning control identified at the site.
7. In 2009 the Council received a complaint concerning the volume of heavy goods traffic accessing the farm. On investigation it became apparent that alongside the agricultural use of the site that the processing, bottling and distribution of milk was also taking place. Previously milk had been produced from their own herd with some milk imported for processing. It appeared to your officers that a breach of planning control involving a material change of use from agriculture to a mixed use of agriculture and processing of milk had occurred. A retrospective planning application was therefore requested which resulted in the current application for a lawful use being applied for.
8. That situation has changed in recent years with the erection of new buildings without planning permission, the use of agricultural buildings for non agricultural purposes, the formation of hardstanding to enable vehicle parking and manoeuvring, the erection of silos and an electricity sub station. This has led to an intensification of the use and a change in the character of the use which the Council considers requires planning permission. As a result of these changes the importation and processing of milk has intensified which has led to increased traffic movements to and from the site leading to noise generated, and visual impact on the Green Belt due to the various unauthorised development undertaken.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9 Nil

IMPLICATIONS OF REPORT

10. 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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