

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	February 2011

## ENFORCEMENT ITEM

**TITLE:** Change of Use of Land 400m East of 41 Wigan Lane Coppull to a centre for paintballing and the erecting of associated buildings for use In Connection With the Paintball Activities.

## PURPOSE OF REPORT

- To consider whether it is expedient to take enforcement action to secure the removal of the unauthorised buildings and structures from the land, the removal of the parking area from the land, the covering of the internal gravel pathways, which have been formed, with top soil. To reduce the height of all timber post and mesh fencing to a height of two metres.

## RECOMMENDATION(S)

- That it is expedient to issue an Enforcement Notice under Section 172 and of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

### Alleged Breach

- Without planning permission the erection of buildings, formation of a vehicle parking area, internal pathways and erection of timber post and mesh fencing on Land 400m East of 41 Wigan Lane Coppull for use in connection with paintballing activities.
- Remedy for Breach**
  - Demolish and remove the following buildings and structures from the land (operational development) as shown on the attached Plans marked SA/1 to SA/6.
    - Tents/Marquees X 2  
Width 6.4M x Length 18.00M x Height 3.1M
    - Four large steel container  
Width 2.4m x Length 6.00M x Height 2.6M
    - Gas Store  
Width 2.5M x Length 2.5m x Height 2.3M
    - Mock wooden Church  
Width 3.3m x Length 8.2M x Height 5.3M to the highest point.
    - Mock Viet Cong village consisting of five individual wooden huts each  
Width 3.8M x Length 3.8M x Height 2.6M

- Mock wooden Castle  
Width 5.8M x Length 8.8m x Height 3.8M to highest point.
  - Mock wooden Fortress  
Width 4.9M x Length 8.0m x Height 3.1M to highest point.
  - Gun Rack  
Width 6.0m x Length 7.7m x Height 2.9m to highest point (mono pitched roof).
  - Scoreboard  
Width 2.0m x Length 3.3 x Height 2.8m
  - Remove all wooden barricades from the land erected at various positions within the play area.
  - Remove all metal barricades erected within the Church Zone.
- (b) Remove the gravel forming the car parking area from the land and recover the land with 100mm of top soil.
- © Cover all internal pathways formed with gravel with top soil to a depth of 100mm.
- (d) To reduce the height of all timber post and mesh fencing erected within the site area to a height of 2 metres thereby benefitting as permitted development granted by virtue of Schedule 2, Part 2, Class A.1(b), The Town & Country Planning (General Permitted Development) Order 1995 (as amended).

### iii. **Period of Compliance**

Four Months

### iv. **Reason**

The proposed development would be located within the Green Belt. The development site is also set within an accessible area with several public footpaths with views into the site. The development on site incorporates buildings within the definition of The Town & Country Planning Act 1990 used in association with the use applied for and these buildings represent inappropriate development within the Green Belt (Para 3.4 PPG2) and do not represent essential facilities as defined within Para 3.5 of PPG 2. The proposal is not therefore considered to be in accordance with Planning Policy Guidance note 2 and reiterated by Chorley Borough Local Plan Review Policy DC 1 in terms of material change in the use of the land due to the facilities associated with the use. It is not considered that the applicant has put forward a case for very special circumstances that outweighs the total harm to the Green Belt to justify permitting the proposal. It is also considered contrary to PPG 17 in that the facilities associated with the development are above what are considered essential.

## EXECUTIVE SUMMARY OF REPORT

- The paintball activity takes place within an area of woodland between Wigan Lane, Coppull and Castle Drive/Castle House Drive Adlington. The site is named Yankeewood Paintball Centre and is operated by Delta Force. The site is approximately 4.89 hectares in area and is accessed via a track off Wigan Lane, a gravel surfaced parking area is provided to the head of the track.
- A planning application was submitted for the change in use of the land and the retention of ancillary structures and the gravel based car parking area which was refused planning permission by the Council on 15 December 2010.

## REASONS FOR RECOMMENDATION(S)

- See Para 2(iv).

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- N/A

## CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighborhoods	
Safe Respectful Communities		Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

## BACKGROUND

- The site is within the designated Green Belt as shown on the Proposals Map, Adopted Edition and is covered by Planning Policy Guidance (PPG) Note 2, Green Belts which are reiterated 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 limited forms of development including: (a) agriculture and forestry, (b) essential facilities for outdoor sport and outdoor recreation, or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes.
- A planning application was submitted to the Council for change in use of the land and the retention of ancillary structures and the gravel based car parking area all development associated with the primary use as a paintballing centre. The proposal was duly considered on two inter related aspects: the use of the land, and the associated facilities.

10. With regards to the change in use of the land PPG2 states that material changes in use of land is appropriate development if it: (i) maintains openness and (ii) does not conflict with the purposes of including land in the Green Belt. In this particular instance the paintballing activity itself has to be seen as a facility that brings with it the plethora of associated buildings and paraphernalia that the applicant deems essential for the paintballing experience. In terms of (ii) above it is not considered that the proposal conflicts with these purposes
11. However, with regards to PPG 2 in terms of openness, (i) above, means free from development. The numbers of buildings and other paraphernalia associated with the change in use of the land is critical as to whether the proposed development is acceptable. The buildings erected on the land include:
  - a. Tents/Marquees  
Width 6.4m x Length 18.00m x Height 3.1m
  - b. Four large steel container  
Width 2.4m x Length 6.00m x Height 2.6m
  - c. Gas Store  
Width 2.5m x Length 2.5m x Height 2.3m
  - d. Mock wooden Church  
Width 3.3m x Length 8.2m x Height 5.3m to the highest point.
  - e. Mock Viet Cong village consisting of five individual wooden huts  
Width 3.8m x Length 3.8m x Height 2.6m
  - f. Mock wooden Castle  
Width 5.8m x Length 8.8m x Height 3.8m to highest point.
  - g. Mock wooden Fortress  
Width 4.9m x Length 8.0m x Height 3.1m to highest point.
  - h. Gun Rack  
Width 6.0m x Length 7.7m x Height 2.9m to highest point (mono pitched roof).
  - i. Scoreboard  
Width 2.0m x Length 3.3 x Height 2.8m

*In addition there are also a number of other items on the land that are not necessarily operational development such as piles of oil drums, a howitzer and other screens for hiding behind however they are associated with the use of the land.*

12. By virtue of the size of the structures and the fact that they are permanently sited on the land the Council consider that all of the above fall within the definition of buildings and the Council have regards to *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport & The Regions 2000* which gives guidance as to what constitutes a building. The three primary factors are (i) Size, (ii) Permanence and (iii) Physical Attachment. Additionally the Council were recently involved in an Appeal regarding a steel container placed on land in which the Inspector considered those three primary factors, concluding that the siting of the container involved a building rather than an ancillary use of the land.
13. Policy DC1(a) is explicit in that planning permission will not be granted, except in very special circumstances, for development other than agriculture and forestry. Additionally Policy DC1 (b) only permits essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt and do not conflict with its purposes.
14. With regards to DC1(a) the buildings erected and the hard standing for vehicle parking are not for agriculture or forestry and are therefore inappropriate forms of development within

the Green Belt. It is for the applicant to show why permission should be granted to justify inappropriate development. The applicant has not submitted any evidence that very special circumstances exist for the buildings erected or for the formation of the hard standing area used for vehicle parking or the formation of the gravel paths through the site area, therefore the development carried out is by definition harmful to the designated Green Belt.

15. With regards to DC1 (b) paintballing games require a number of structures be placed on the land for the players to hide behind. In this particular instance consideration must be given as to the numbers and sizes of structures placed on the land for players to utilise and whether the number of structures are actually essential to the game. Para 3.5, PPG2 states that essential facilities are those that are genuinely required for uses of land which preserve the openness of the Green Belt. The number, sizes and elaborate nature of the buildings coupled with the number and sizes of the wooden and metal barricades are not considered to be essential and again are considered to be inappropriate and by definition harmful to the Green Belt.

## IMPLICATIONS OF REPORT

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

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

## COMMENTS OF THE DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

17.

Lesley-Ann Fenton  
Director of Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
S Aldous	5414	January 2011	N/A

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	14 December 2010	10/00131/Fulmaj	Council Offices Union Street

Report Author	Ext	Date	Doc ID
C Taylor	5222	January 2011	N/A