

| Report of | Meeting | Date |
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| Director of Partnerships, Planning & Policy | Development Control Committee | 8 March 2011 |

ENFORCEMENT ITEM - Yew Tree House Farm, Coppull Hall Lane, Coppull

PURPOSE OF REPORT

1. To consider a request to extend the period of compliance with Enforcement Notices issued in respect of Yew Tree House Farm, Coppull Hall Lane, Coppull

RECOMMENDATION(S)

2. That the period allowed for compliance with the Enforcement Notices is not extended.

EXECUTIVE SUMMARY OF REPORT

3. Members approved a recommendation last year to issue Enforcement notices in respect of operational development involving the processing of milk. The appellant now seeks an extension of time to the compliance periods allowed in the notices.

REASONS FOR RECOMMENDATION(S)

4. The period allowed for compliance is reasonable and any longer period would prolong the harm caused by the development.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. N/A

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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|---|--|--|---|
| Strong Family Support | | Education and Jobs | |
| Being Healthy | | Pride in Quality Homes and Clean Neighbourhoods | x |
| Safe Respectful Communities | | Quality Community Services and Spaces | |
| 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

7. Members approved enforcement action last year in respect of the erection of buildings, silos and the formation of hardstanding in connection with the use of the site for the processing of milk. The notices were appealed and a Public Inquiry is set to hear the appeals on the 24 May.



8. Your officers had previously met with the appellant's agent who had advised that their client had come to the conclusion that the site could no longer sustain the level of activity and there was no scope for further expansion. On that basis the appellant has now purchased a site outside this Council's area to which he intends to relocate and that process is already underway with the development of the new site. It was intended that any future use of the site would then be determined through the submission of a planning application and an extension of the compliance period was suggested but not formally requested.
9. I have now received a formal request to extend the compliance period with the enforcement notices until 30 September 2012 which if agreed to the appellant would then withdraw his appeals against the enforcement notices. The period of time requested is to allow the relocation of the milk processing to be achieved. At the same time a further application for a Certificate of Lawful Use has been submitted which excludes the areas of unauthorised development subject to the enforcement notices.
10. The period of allowed for compliance now requested would add significantly to the current 9 months however this has to be considered against the timescale for consideration of the appeal and the decision of the inspector which if dismissed could mean either that the compliance period remains at 9 months or at the inspectors discretion could be extended further, however it is not possible to second guess whether the period specified would be amended or is so how long that period would be. What we know for certain is that if the compliance period remains at 9 months in the event of the appeals being dismissed, then compliance would then be required by approximately May 2012 a period of 4 months less than the period now sought by the appellant.
11. In my view the period allowed for compliance is reasonable and allows for relocation of the business which is already underway and also keeps to a minimum the harm caused by the impact of the development as a result of traffic generated on the highway network.

IMPLICATIONS OF REPORT

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

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

Lesley-Ann Fenton
 Director of Partnerships, Planning & Policy

| Background Papers | | | |
|---------------------|------------------|--------------------|------------------------------|
| Document | Date | File | Place of Inspection |
| Enforcement Notices | 1 September 2010 | EN 631-632-633-634 | Council Offices Union Street |

| Report Author | Ext | Date | Doc ID |
|---------------|------|---------------|--------|
| P Willacy | 5226 | February 2011 | N/A |