

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	29 March 2011

## ENFORCEMENT ITEM

### Land at 286 The Green Eccleston. The siting of a portable building for use as Office Space. Operational Development

#### PURPOSE OF REPORT

- To consider whether it is expedient to serve an enforcement notice to secure the removal of the unauthorised development (portable building) from the land.

#### 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

- i. Without planning permission the placing of a portable building on the land constituting operational development that requires planning permission.
- ii **Remedy for Breach**  
Remove the portable building from the land.
- ii(a). **Period for Compliance**  
Three Months.
- ii(b). **Reason**  
The external appearance of the portable building 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

- 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.

4. 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 primarily residential area.

### REASONS FOR RECOMMENDATION(S)

5. The unauthorised development represents an alien feature in this primarily residential area and is considered 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.
6. 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 portable building is of substantial size and has an imposing presence on the land. With regards to permanence the portable building 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 parking area. It is agreed that the portable building is not fixed to the ground merely resting upon it and the change to the character of the land is visual rather than physical.
7. Taking all three elements into consideration it is concluded that the combination of size, the transportation of the portable building 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 portable building is a building and therefore operational development has taken place for which planning permission is required

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. N/A

### CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

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

10. The portable building has been sited within the car parking area to the south east boundary of the site behind an established boundary to the rear of residential properties along Bradley Lane, Eccleston, the boundary between the site and these residential dwellings consists of wooden fencing to a height of 1.8 metres. The top part of the portable building is visible above the fence. Within the site there is an existing large steel portal framed building that was granted planning permission in 1994 for the valeting, servicing and repair of vehicles.

The portable building is an archetypical portable building, flat roofed and rectangular in shape the elevations being of a muted neutral colour. Its dimension being approximately 5metres X 2metresX2.2metres.

11. A site visit was carried out when the occupier of the site informed your Officer that the portable building would be in place for a short period of time whilst space was being made available within the main building where the portable building would be re located for use as an office space. Such a use would not require planning permission.
12. The site was then vacated but the portable building was not removed. The new occupier has been informed that the portable building requires planning permission however no planning application has been submitted or the building removed.

## IMPLICATIONS OF REPORT

13. 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

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