

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	12 July 2011

## **ENFORCEMENT ITEM –**

**Operational Development to site two metal storage containers on Land at The Hillocks, Blue Stone Lane, Mawdesley, Lancashire, L40 2RJ.**

### **PURPOSE OF REPORT**

1. To consider whether it is expedient to serve an enforcement notice to secure the removal of the unauthorised operational development (metal containers) from the land.

### **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 placing of two steel containers on the land constitutes operational development that requires planning permission.

#### **ii Remedy for Breach**

Remove the storage containers from the land.

#### **iii (a). Period for Compliance**

Three Months.

#### **iv (b). Reason.**

The buildings (metal containers) are contrary to Policies DC1 Chorley Borough Local Plan Review Adopted Edition, and Planning Policy Guidance (PPG) 2: Green Belt, in that they would constitute inappropriate development within the Green Belt. In addition, the design and external appearance of the unauthorised development (metal containers) is not well related to the character and appearance of the residential site and surrounding countryside, contrary to policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition.

### **EXECUTIVE SUMMARY OF REPORT**

3. The land in question lies in the Lancashire Green Belt wherein only limited forms of development are considered to be appropriate. Planning Policy Guidance 2: Green



Belt states that inappropriate development is by definition harmful to the character and openness of the Green Belt, and that permission should only be granted for inappropriate development in very special circumstances. Policy DC1 criterion (c) and DC8A state that limited extension, alteration or replacement of dwellings maybe appropriate provided it would not detract from the openness of the Green Belt and its character, siting, design and external materials would not detract from its surroundings. Policy GN5 of the Local Plan also 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 in Policies DC1 criterion (c), DC8A and GN5 criterion (b) of the Chorley Borough Local Plan Review Adopted Edition, in that the design, materials and external appearance of the development is acceptable in relation the adjacent dwellinghouse and the surrounding countryside, and as such would constitute appropriate development within the Green Belt. If not whether there are any very special circumstances that would outweigh the harm caused to the character and openness of the Green Belt, by way of its inappropriateness.

#### **REASONS FOR RECOMMENDATION(S)**

##### **(If the recommendations are accepted)**

5. The unauthorised development represents an alien feature within the site and in the surrounding area, and by way of its design, external appearance and materials does not respect the character of the site and surrounding countryside and detracts from the character and openness of the Green Belt. The development is therefore considered to be inappropriate in the Green Belt and contrary to Policies DC1(c), DC8A and GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition, and provisions within PPG2: Green Belt. There are no very special circumstances that would outweigh the harm caused to the Green Belt by way of its inappropriateness.
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 individual metal containers are approximately 4.8 metres in length, by 2.4 metres in width by 2.6 metres in height. They are therefore of substantial size and together have an imposing presence on the land. With regards to permanence, the container is designed to be carried on a vehicle and placed upon the land using a crane. A crane was not observed to be present on site, and therefore it is unlikely that they could be moved frequently or easily. In addition, as the containers are solely used for the storage of house furniture and items there would be no reason for the containers to be moved on a regular basis. It is noted that the container is not directly fixed to the grassed area of ground but uses its weight to rest upon the concrete slabs laid beneath each corner. 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, its weight, the transportation of the container 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 metal containers are buildings. Therefore, it is considered that operational development as defined within Section 55 of the Town and Country Planning Act 1990 (As Amended) has taken place for which planning permission is required.

8. Given their size, their alien design and appearance and the amount of items stored within the metal containers and that household furniture and items would be used in association with a house not yet built on site, it is not considered that the siting of two storage containers on the land would be for purposes incidental to the enjoyment of the dwellinghouse at the Hillocks, Blue Stone Lane, Mawdesley. Planning permission has not been granted for the siting of storage containers on the land by way of an application, or any act or order. Therefore, the development carried out is unauthorised and in breach of planning control.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

9. None

**CORPORATE PRIORITIES**

10. 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**

11. The site is located within the Lancashire Green Belt, and countryside, and is set down from the level of Blue Stone Lane to the east. The site currently comprises a two storey semi-detached dwelling and residential curtilage to the front and rear. A collection of stables and grassed paddocks are located to the side and rear of the dwelling.
12. Planning permission reference no. 10/00890/FUL was granted in December 2010 for the demolition of the existing property and the erection of a 4 bedroom dwelling. A planning application for the discharge of planning conditions to which this application is subject which required information to be submitted prior to the commencement of demolition works has been received but remains invalid.
13. The two containers have been sited to the rear of the dwelling house along the shared boundary with Hillside, Blue Stone Lane, Mawdesley. The metal containers have been placed on a grassed area and placed on concrete slabs in each corner and are beige in colour. The containers are visible from public view along a substantial section of Blue Stone Lane to the east.
14. A site visit has been carried out where the landowner explained that the containers are used to store household furniture to be used in the dwelling to be constructed at the site. The landowner advised that it was intended that they would be present until the new dwelling is completed and furniture moved into the replacement dwelling. Inspection of the content of the containers at this time revealed they were full of various items of household furniture and domestic appliances.

## IMPLICATIONS OF REPORT

15. 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

16. None

Lesley-Ann Fenton  
Director of Partnerships, Planning & Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Christopher Hobson	5229	28/06/11	***