

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	9 August 2011

ENFORCEMENT ITEM –

Operational Development comprising engineering works to form a vehicular access and area of hard standing together with pipework, on Land to the West of Billinge House, Euxton Lane, Euxton, Lancashire, PR76DL

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the closure of the vehicular access, removal of area of hard standing and reinstatement of 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. Without planning permission the formation of a vehicular access and hard standing area.

ii Remedy for Breach

1. Close off the vehicular access permanently by removing the metal gate and timber gate posts, and planting a hawthorn hedge between points A and B shown on the attached plan.
2. Remove the area of hard standing comprising hardcore material, planings/chippings and pipework between the highway and the access gateway.
3. Reinstate the area by sowing grass seed.

iii (a). Period for Compliance

Two Months.

iv (b). Reason.

The newly formed access is contrary to Policy TR4 criterion (c) of the Chorley Borough Local Plan Review Adopted Edition, in that it would result in conflict between vehicles, pedestrian and cycle users of the highway, to the detriment of highway safety along Euxton Lane and the service road. The access does not provide safe and adequate access contrary to policy TR4 Chorley Borough Local Plan Review Adopted Edition and policy RT4 of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021,



and provisions within PPG13: Transport.

EXECUTIVE SUMMARY OF REPORT

3. The land in question is located to the south side of Euxton Lane to the west of Billinge House and is accessed off a service road which adjoins the west-bound carriageway of Euxton Lane. The land comprises a grassed highway verge and open field that is part of the agricultural unit at Silvesters Farm, Washington Lane, Euxton. Policy RT4 of the North West of England Plan RSS to 2021 states that where safety is not compromise, engineering measures should reflect local character, including landscape and conservation. Policy TR4 of the Chorley Borough Local Plan also states that development would need to meet a number of highway development control criteria. These include, the provision of safe and adequate access having regard to environmental considerations, the impact of traffic and avoidance of traffic of excessive volume, size or weight.
4. The issue for consideration in this case is whether the operational development that has been carried out conforms to the requirements detailed in Policy TR4 criterion (c) of the Chorley Borough Local Plan Review Adopted Edition, in that it would provide safe and adequate access into the adjacent field and onto the service road off Euxton Road.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. The unauthorised operational development to form an access on to Euxton Lane Service Road has been undertaken within close proximity to Euxton Lane and the link from the access to the service road has been made at an acute angle. The Highways Authority have commented that the access is unacceptable in its present format as it would not provide sufficient space to make the required manoeuvring operations, and would result in vehicles manoeuvring close to and on the adjacent cycle way and footpath. Therefore, resulting in conflict between vehicles, and pedestrians and cyclists using the cycle way and footpath along Euxton Lane.
6. Due to the geometry of the access layout and its proximity to the cycle way and footpath along Euxton Lane, it is considered that the development to form the new access is detrimental to the safety of vehicular, pedestrian and cycle users of the highway. Therefore, the unauthorised operational development does not provide a safe and adequate access, and the development is considered to be contrary to Policy TR4 of the Chorley Borough Local Plan Review Adopted Edition, Policy RT4 of the North West of England Plan RSS to 2021 and provisions within PPG13; Transport.
7. The works comprise the infilling of a ditch with layers of hardcore, with pipe laid beneath. With a layer of planings / chippings laid on top and flattened to provide a level surface to an area of scraped earth and tarmac along the Euxton Lane Service Road. It is considered that this is a clearly intentional and designed operation, with significant amount of material, which has subsequently been levelled to provide an access point and link on to the service road. Two timber gate posts and metal gate have also been erected in the opening made in the hedgerow.
8. Taking into consideration the totality of the works it is considered that they would constitute an engineering operation. 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.

9. Planning permission has not been granted for the engineering operations to form an access by way of an application. The engineering operations / operational development are within 25 metres of a classified road (Euxton Lane) and would not be permitted development under Class A, Part 6 (Agricultural Buildings and Operations) of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). Therefore, the development carried out is unauthorised and in breach of planning control.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None

CORPORATE PRIORITIES

11. 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

12. The site is located to the south side of Euxton Lane and to the east of the junction of Euxton Lane and Central Avenue, Euxton. The site currently comprises a grassed verge and open field used for grazing livestock as part of the agricultural unit at Silvesters Farm, Washington Lane, Euxton. There is an existing longstanding access into this field which currently accesses directly off Euxton Lane.
13. The works undertaken have comprised the removal of a section of hedgerow, and installation of two timber gate posts and metal gate. A pipe and layer of hardcore material to a depth of approximately 1 metre have been laid in a ditch running along the north boundary of the field. A further layer of planings / chippings has been laid on top to provide a level area of hardstanding which continues up to the Euxton Lane Service Road. A length of earth and verge have also been scraped back along the edge of the service road up to the newly formed hard standing area.
14. The newly formed area of hardstanding and opening provides access from the adjacent field onto the Euxton Lane Service Road. The Euxton Lane Service Road then joins on to on to Euxton Lane via a priority road junction approximately 40 metres to the east of Billinge House. The Euxton Lane Service Road and grass verges either side are part of the adopted highway. The service road currently provides access to Billinge House and a separate grassed field to the south and east of Billinge House. The service road is approximately 6 metres wide before it tapers at its western end. Some of the works have been undertaken on the adopted highway and land owned by Lancashire County Council.

15. A site visit has been carried out where the landowner explained that an application for planning permission would be submitted to the Council to retain and amend the new access and to close up the existing access directly on to Euxton Lane. However, no application has yet been submitted to the Local Planning Authority for consideration.

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	x	No significant implications in this area	

COMMENTS OF THE HEAD OF GOVERNANCE

17. The works undertaken are development for the purposes of the Town and Country Planning Act 1990. As no permission has been granted it is appropriate to seek the removal of the works and remediation of the site.

Lesley-Ann Fenton
 Director of Partnerships, Planning and Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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