

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	13 December 2011

ENFORCEMENT ITEM

TITLE: USE OF CABIN AS WOOD WORKSHOP, ERECTION OF STORAGE BINS, SITING OF METAL STORAGE CONTAINERS AND ERECTION OF TIMBER SCREENS ON LAND AT JUMPS FARM, SOUTH ROAD

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice in respect of the above matters.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breaches of planning control:

Alleged Breach A

- 2.1. Without planning permission use of existing cabin (B) as a wood workshop.

ii Remedy for Breach

1. Cease the use of cabin (B) as a wood workshop.

iii (a). Period for Compliance

Nine Months.

iv (b). Reason.

The use of the cabin as a wood workshop has an adverse impact on the amenities of the neighbouring residential properties due to the noise and disturbance generated as a result of the use of the building.

Alleged Breach B

- 2.2. Without planning permission the erection of material storage bins.

ii Remedy for Breach

1. Demolish the material storage bins and remove any materials other than topsoil from the land.

iii (a). Period for Compliance

Six months.

iv (b). Reason.

The storage bins erected at the site are located within the Green Belt wherein only limited forms of development are considered appropriate. The provision of storage bins is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the harm caused to the Green Belt by way of its inappropriateness. Therefore, the storage bins are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

Alleged Breach C

2.3. Without planning permission the siting of storage containers on the land.

ii Remedy for Breach

1. Remove the storage containers from the land.

iii (a). Period for Compliance

Nine months.

iv (b). Reason.

The storage containers sited on the land are located within the Green Belt wherein only limited forms of development are considered appropriate. The provision of storage containers is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the harm caused to the Green Belt by way of its inappropriateness. Therefore, the unauthorised units are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

Alleged Breach D

a. Without planning permission the erection of timber screens.

Remedy for Breach

1. Remove the timber screens from the land.

Period for Compliance

Three months.

Reason

The timber screens erected are located within the Green Belt wherein only limited forms of development are considered appropriate. The erection of the screens is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the

harm caused to the Green Belt by way of its inappropriateness. Therefore, the timber screens are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

EXECUTIVE SUMMARY OF REPORT

3. The issues for consideration in this case are whether the unauthorised development carried out constitutes inappropriate development within the Green Belt, whether there are any very special circumstances that would outweigh the harm caused to the Green Belt by reason of its inappropriateness and whether it has led to a loss of amenity for local residents.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. The site is located within the Green Belt wherein only limited forms of development are considered to be appropriate, including (a) agriculture and forestry;; (b) essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes; (c) limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A; (d) the re-use of existing buildings providing it is in accordance wit Policy DC7A; (e) limited infilling in accordance with Policy DC4; (f) to provide affordable housing for local needs in accordance with Policy DC5; (g) the re-use, infilling or development of Major Developed Sites in accordance with policy DC6.
5. The unauthorised storage bins, containers and timber screens are not for any of the above purposes set out in policy DC1 or PPG2 and therefore constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and would only be considered acceptable in very special circumstances. The Council is not aware of any very special circumstances that would outweigh the harm caused by way of its inappropriateness.
6. Furthermore, it is considered that the nature and characteristics of the storage bins, containers and timber screens causes harm to the character and openness of the Green Belt and surrounding countryside.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. None

CORPORATE PRIORITIES

8. 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

9. The site comprises former agricultural buildings at Jumps Farm which have become redundant to agricultural and have received planning permission to be used for a landscape garden business, an office in connection with that use and a wood working workshop. The site is located within the Green Belt, and whilst a previously developed site it is not allocated as a major developed site within the Green Belt.
10. Planning permission was granted in 2010 to rebuild the cabin used as a wood working workshop however that permission has not been implemented and a temporary permission to use the existing cabin as a workshop has expired. The Council have received complaints that the use of the workshop creates noise and disturbance and this is having an adverse impact on the amenities of neighbouring residents. The original cabin construction does not have sufficient noise attenuation to prevent the escape of noise from the building which is one reason why only temporary permission was granted. If the planning permission were implemented to rebuild the cabin then this would overcome the loss of amenity however the land owner does not wish to implement that permission until he can secure permission on another building on the site which would then enable him to carry out the development. There is no guarantee that planning permission will be granted and therefore that the permission would be implemented. In those circumstances therefore it is considered expedient to take enforcement action.
11. In addition to the unauthorised workshop a series of bin stores for materials have been formed and six containers placed on the land together with the erection of two screens. It is claimed that the bin stores and containers are for the use of the existing landscaping business however it has been reported that other businesses are storing materials and equipment. The bin stores and containers are not appropriate development in the Green Belt and the containers appearance is harmful to the character and appearance of the Green Belt. The two screens do not appear to have been erected for any specific purpose and although they have a limited visual impact their erection would not constitute appropriate development in the Green Belt and should be resisted.

IMPLICATIONS OF REPORT

12. 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

13. None

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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