

Report of	Meeting	Date
Head of Development & Regeneration	Development Control Committee	6.03.2006

ENFORCEMENT ITEM

ERECTION OF STABLES ASH HOUSE FARM ULNES WALTON ULNES WALTON

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case.

CORPORATE PRIORITIES

2. This report does not affect the corporate priorities.

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

BACKGROUND

4. The case relates to the erection of a large stable block on land that is claimed to be residential curtilage at this property. An application was received and considered by the Planning Authority for the erection of six stables on land to the south and east of Ash House Farm; this development was described on the planning application as, "Proposed erection of six stables". Part 2 (P1A), additional information in respect of shopping, office, industrial or other commercial use was also completed on which it was stated that, "Once or twice a week she would give carriage driving lessons from the property". This application was refused. The reasons for refusal were threefold, highway safety, contrary to Greenbelt Policy and contrary to the Councils Supplementary Planning Guidance, Development Involving Horses.
5. Following refusal of that planning application, a stable block has been erected upon land to the south and east of Ash House Farm, the same parcel of land as that shown in the refused application. The landowner has erected these stables claiming the land forms part of the domestic curtilage of the dwelling, and that the stables, therefore benefit as permitted development granted by virtue of, Schedule 2, Part 1, Class E, The Town & Country (General Permitted Development) Order 1995. Complaint regarding the erecting of these stables coupled with information, which counter the assertion by the landowner that the land is domestic curtilage has been received. The complainant stating the land has never been used as such and in addition, the complainant reports that carriage-driving lessons are being operated from the property by the owner/occupier.

ASSESSMENT

6. The main issue to consider is whether the development that has been carried out is in fact on land that forms part of the residential curtilage of this property. On the one hand the title holder of this recently acquired property states the land to the south and east is residential curtilage. The owner refers to advice given to her by the Planning Office, and



that only after receipt of that advice were the stables erected on that land. However no correspondence exists between the Council and the landowner to corroborate this statement. It is accepted that the title holder of the property did seek advice regarding erecting stables utilising permitted development rights. However the advice given by the Planning Office regarding permitted development rights concerned a different parcel of land, land immediately to the rear of the dwellinghouse, not land to the south and east. There are no planning records held since 1948, that accurately reflect the use of this parcel of land, save old aerial photographs which of themselves are inconclusive.

7. The owner of the land has not made any formal application to the Council for determination of the use of this land. This could be done through the submission of an application for a Certificate of Lawful Use and would examine all evidence given by the landowner to establish whether that claimed use is lawful. The complainant has stated in correspondence to the Council that the parcel of land had originally had a commercial greenhouse on it and subsequent to it falling down no care had been expended on including it into the large garden and orchard area immediately behind the farmhouse.
8. Given the evidence which has been submitted to the Council by the complainant and in the absence of any evidence to the contrary, it appears that there has been a breach of planning control. The the stables erected are not on residential curtilage and require planning permission and that there has been a material change in use of the land to the south and east of the rear of Ash House Farm from agricultural land to, domestic curtilage.
9. Within Paragraph 4 it is stated that complaint has also been made to the Council that the property is being used for commercial purposes in that carriage driving lessons are being given from the property. Evidence has been given stating that on three occasions since 22 October 2005 through to 10 December 2005 the owner of the property has been seen and photographed giving carriage driving lessons. No further evidence has been submitted to the Council relating to this business activity. The property owner who asserts only friends and family are taken on carriage drives from the property has repudiated this allegation. Any teaching has been from a local commercial equestrian yard.
10. Notwithstanding either parties statements, the use of the land on three occasions for the giving of driving lessons would not amount to a material change in use of the land and in the absence of further documentary evidence it is not proposed, at this time to seek authority for any enforcement action with regard to this alleged activity.

POLICY

11. The site is within the designated Green Belt as defined by Policy DC1 of the Adopted Chorley Borough Local Plan Review. Within the designated Green Belt planning permission will not be granted, except in very special circumstances, for very limited forms of development including: (b) essential facilities for outdoor sport and outdoor recreation, or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. PPG2 states that possible examples of such facilities include small stables for outdoor sport and outdoor recreation.
12. Policy EP8 establishes a set of criteria against which proposals for development involving horses are judged, these criterion, together with the Councils Supplementary Planning Guidance (SPG), "Development involving Horses" which elaborates the criterion defined within Policy EP8 clearly defines appropriate development. The stables erected conflict with criterion (a) of Policy EP8 in that the size and scale of the stables erected are considered to be too large for the character of the site and the amenity of the

neighbouring properties. The stables erected are contrary to criterion (c) in that the stable block erected is not close to existing buildings on the site area and is not well screened from property, Homecroft Cottage, Ulnes Walton Lane.

13. Supplementary Planning Guidance Development Involving Horses directs that small private developments are those that involve no more than two or three horses, the stables erected are in excess of this number. The Guidance reflects criterion (a) of Policy EP8 at paragraph 6.2 small private developments are those involving no more than two to three horses and paragraph 6.3 reflects criterion (c) of Policy EP8 in that proposals should be well related to existing buildings and be well screened by existing trees, hedges and landscape features. The stables erected do not comply with that guidance given.

COMMENTS OF THE DIRECTOR OF FINANCE

14. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

15. No comments.

RECOMMENDATION

16. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
 - i. Without planning permission the erection of a stable block upon land to the south and east of the rear of Ash House Farm, Ulnes Walton Lane.
 - ii Remedy for Breach
 - ii(a). Demolish the stable block erected upon the land identified at 15(i).
 - ii(b). Remove all material resultant from the works carried out under 15ii(a) from the land.
 - ii(c). Period for Compliance
180 days.
 - ii(d). Reason
 - i. The development is located within the Green Belt as defined by Policy 2 and the Key Diagram of the Adopted Lancashire Structure Plan and by the Proposals Map of the Adopted Chorley Borough Local Plan Review. The development is contrary to Policy 4 of the Adopted Lancashire Structure Plan and Policy DC1 of the Adopted Chorley Local Plan Review. Within the Green Belt planning permission will not be given except in very special circumstances for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for indoor sport and recreation, for cemeteries, and other uses which do not conflict with the purposes of including land in it, or limited extension, alteration, or replacement of existing dwellings. It is not considered that the stable block as erected represents an essential facility for outdoor recreation in this case.

- ii. The stable block erected by virtue of its siting and scale is contrary to the provisions of criterion (a) & (c) of Policy EP8 of the Adopted Chorley Borough Local Plan Review and Adopted Supplementary Planning Guidance “Development involving Horses”.

JANE E MEEK
HEAD OF DEVELOPMENT & REGENERATION

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	20 February 2006	
Background Papers			
Document	Date	File	Place of Inspection
Planning Application		05/01339/FUL	Union Street Offices