

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	24 April 2012

## **ENFORCEMENT ITEM – UPDATE AMENDMENT**

Operational Development comprising building works to form blockwork supporting base for a wood burning stove at Orcheton House Farm, Wood Lane, Heskin, Lancashire, PR7N 5PA.

### **PURPOSE OF REPORT**

1. Members will recall that a report was submitted to Committee that sat on 22 November 2012 requesting authority to serve an Enforcement Notice for unauthorised works to the aforementioned property. The works were described as Operational Development comprising building works to form blockwork supporting walls, brickwork skirt walls, raised concrete slab area and steps at Orcheton House Farm, Wood Lane, Heskin, Lancashire, PR7 5PA. Within the report Members were advised that a further update would be submitted to them should Enforcement action be authorised. Enforcement action was authorised and this report is the update as minuted.
2. Following further investigation carried out on 1 March 2012 it has come to light that additional works to those previously reported has been carried out involving the support of an internal wood burning stove with block work that has been erected beneath the stove to ground level. The block work and stove may therefore be attached to the ground.

### **RECOMMENDATION(S)**

3. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:  
That delegated authority is authorised to determine the final wording of the breach of planning control and the remedy of the breach in relation to this breach and the previous breach authorised by the Committee on 22 November 2011.

### **Alleged Breach**

- i. Without planning permission the carrying out of operational development constituting the erection of a dwelling house.

### **Remedy for Breach**

- ii. Demolish and remove the blockwork that secures the stove to the ground.

## Period for Compliance

- iii. Two Months.

## Reason

4. The unauthorised operational developments that have taken place leads to the conclusion that the caravan is incapable of being lifted from the ground without compromising its structural integrity, resulting in a sufficient degree of attachment to the ground as to constitute a permanent building for use as a dwelling house.
5. Planning Policy Framework, (NPPF), Paragraph 89 states that the construction of new buildings in the Green Belt is inappropriate unless the building meets one of the stated criteria. The building subject of this report does not accord with any of the stated exceptions. Therefore the building is inappropriate and contrary to the requirement of paragraph 87, (NPPF) which states inappropriate development is by definition harmful to the Green Belt.
6. The removal of all the unauthorised works will ensure the structure remains within the statutory definition of a caravan for which planning permission has been previously granted.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. None

<b>Confidential report</b> Please bold as appropriate	Yes	No
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## 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 an existing fish farm / fishery, known as Orcheton House Farm, Wood Lane, Heskin. From recent investigations, the site is currently being used for the rearing of fish, with areas of grazing land and an orchard but also as a recreational fishing and angling facility. The owner and manager of the farm lives on site on a permanent basis in a timber park home.

10. Planning permission (reference no. 99/00224/FUL) was granted in 1999 for the timber chalet-style park home for use as a managers dwelling for a period of 3 years. In 2003 at Appeal an Inspector granted planning permission for the retention of an existing structure to form a permanent dwelling. This permission (reference no. 02/00914/FUL) was subject to the same occupancy condition "The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at Orcheton House Farm and engaged in the fish rearing enterprise, or a widow or widower of such a person and to any resident dependents."
11. More recently an Inspectors decision (APP/D2320/X/10/2133562) in November 2010 following refusal of a certificate of lawfulness concluded that as a matter of fact and degree the mobile home was not a building and the plinth walls around and underneath the residential structure was a separate operational development. From an assessment of the structure, it is noted that works to re-clad the timber park home separately undertaken in June 2011 do not constitute development and they remain detached from the walls and base beneath the park home.
12. As a result of all reported unauthorised works undertaken to the caravan, it is considered that there has been a material change to the mobility of the park home such that it no longer falls within the statutory definition of a caravan. It is considered that the timber park home now constitutes a permanent building for use as a dwellinghouse.

#### 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		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

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